United Nations CRC/C/SLV/5-6

# Convention on the Rights of the Child

Distr.: General
19 March 2018
English
Original: Spanish
Spanish, French and English only

**Committee on the Rights of the Child**

## Combined fifth and sixth periodic reports of El Salvador due in 2016 and submitted under article 44 of the Convention*, **

[Date received: 28 January 2018]

* The present document is being issued without formal editing.

** The annexes and attachments are on file with the Secretariat and are available for consultation. They are also available on the Committee's website.

GE.18-04238 (E) 090718 110718

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# Introduction

1. The combined fifth and sixth periodic reports on the implementation of the Convention on the Rights of the Child were prepared pursuant to article 44 of the Convention and in accordance with the Committee's general guidelines (CRC/C/58/Rev.2) and the compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties (HRI/GEN/2/Rev.6), in conjunction with documents HRI/MC/2006/3, CRC/C/18 and CRC/SLV/CO/3-4 and General Assembly resolution 68/268.

2. The report was prepared by the National Council for Children and Adolescents, in coordination with the Ministry of Foreign Affairs and with the support of 28 State institutions.[1] Pursuant to the recommendation contained in paragraph 19 of the Committee's concluding observations on the combined third and fourth periodic reports of El Salvador, civil society,[2] children and adolescents[3] participated in the preparation of the report.

3. In its Five-Year Development Plan 2014–2019, the Salvadoran Government establishes guidelines for the incorporation into its policies of a cross-cutting approach to gender, human rights and the life cycle, paying special attention to priority groups, in accordance with the best interests of children and adolescents as defined in the Child and Adolescent Protection Act.[4]

# I. General framework of implementation

## A. General measures of implementation (arts. 4, 42 and 44 (6))

### Legislative measures

4. This report represents a new stage in El Salvador's alignment with the Convention. Between 2010 and 2015, new legislative reforms took shape and public policies on children were adopted, giving rise to a series of institutional changes that strengthen the rights of children and adolescents.

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[1] The relevant institutions are the National Public Security Academy, the National Commission on the Search for Children who Disappeared during the Internal Armed Conflict, the National Council of the Judiciary, the Corporation of Municipalities of the Republic of El Salvador, the National Council for Persons with Disabilities, the Supreme Court of Justice, the Directorate-General for Migration, the Attorney General's Office, the Fund for Social Investment in Local Development, the Ministry of Health, the Social Fund for Housing, the Salvadoran Institute for the Advancement of Women, the Salvadoran Institute for Comprehensive Child and Adolescent Development, the Salvadoran Institute for the Rehabilitation of Persons with Disabilities, the Ministry of Agriculture and Livestock, the Ministry of the Interior and Territorial Development, the Ministry of Economic Affairs, the Ministry of Education, the Ministry of Defence, the Ministry of Justice and Public Security, the Office of the Human Rights Advocate, the Counsel General's Office, the National Civil Police, the National Registry of Natural Persons, the Secretariat for Social Integration, the Technical Secretariat for Planning of the Office of the President, the Executive Technical Unit of the Justice Sector and the Secretariat for Culture.

[2] The relevant institutions organizations are Mensajeros de la Paz, the Human Rights Institute of the José Simeón Cañas Central American University, Fundación de Estudios para la Aplicación del Derecho, the Norma Virginia Guirola de Herrera Institute for Women's Studies, Compassion International, Asociación Nueva Vida Pro Niñez y Juventud, Asociación Nuevo Amanecer de El Salvador, Fundación de Apoyo Familiar, Fundación Dolores Medina, Fundación Silencio, Asociación Adolescente Juvenil Amigos de Apopa, Centro de Apoyo de Lactancia Materna, Asociación Pro-Busqueda de Niñas y Niños Desaparecidos, the International Centre for Population and Development Training and Research in Association with the United Nations, Oxfam and Asociación Agape.

[3] Twenty-four children and adolescents from the Children's and Adolescents' Consultative Council and the Juvenile Units of the Office of the Human Rights Advocate.

[4] Five-Year Development Plan 2014–2019. Available at www.secretariatecnica.gob.sv/plan-quinquenal-de-desarrollo-2/.

5. The following is a list of some of the laws through which the Convention is implemented: the Act on Equality, Equity and Elimination of Discrimination against Women (2011),[5] the Access to Public Information Act (2011),[6] the Special Act on the Protection and Advancement of Salvadoran Migrants and Their Families (2011),[7] the Special Comprehensive Act on a Violence-Free Life for Women (2012),[8] the Medicines Act (2012),[9] the General Act on Young People (2012),[10] the Act on Promotion, Protection and Support for Breastfeeding (2013),[11] the Social Development and Protection Act (2014),[12] the Special Act on the Regulation and Control of Pyrotechnic Activities (2014),[13] the Special Act against Trafficking in Persons (2014)[14] and the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (2014).[15]

6. The National Policy on Comprehensive Protection for Children and Adolescents 2013–2023, which was adopted in 2013,[16] set out directives and guidelines for coordination within the National System for the Comprehensive Protection of Children and Adolescents and for implementation, monitoring and evaluation mechanisms. The System's National Action Plan 2014–2017 was adopted in 2015.[17]

7. The civil society organizations that participated in the consultation for this report recognize that progress has been made with the country's regulatory framework and suggest that work should continue on the development of joint strategies coordinated between public institutions and private business to promote children's and adolescents' rights and to encourage their participation in matters that affect them.

**Institutional adjustment and adaptation**

8. The Salvadoran Government has made various institutional adjustments to help safeguard the rights of children and adolescents. For example, the Salvadoran Institute for

[5] Act on Equality, Equity and Elimination of Discrimination against Women, published in *Diario Oficial* [Official Gazette], No. 70, vol. 391, of 8 April 2011. Available at www.diariooficial.gob.sv/diarios/do-2011/04-abril/08-04-2011.pdf.

[6] Access to Public Information Act, ibid. Available at www.diariooficial.gob.sv/diarios/do-2011/04-abril/08-04-2011.pdf.

[7] Special Act on the Protection and Advancement of Salvadoran Migrants and Their Families, published in *Diario Oficial* No. 74, vol. 391, of 14 April 2011. Available at www.diariooficial.gob.sv/diarios/do-2011/04-abril/14-04-2011.pdf.

[8] Special Comprehensive Act on a Violence-Free Life for Women, published in *Diario Oficial* No. 2, vol. 390, of 4 January 2011. Available at www.diariooficial.gob.sv/diarios/do-2011/01-enero/04-01-2011.pdf.

[9] Medicines Act, published in *Diario Oficial* No. 43, vol. 394, of 2 March 2012. Available at www.diariooficial.gob.sv/diarios/do-2012/03-marzo/02-03-2012.pdf.

[10] General Act on Young People, published in *Diario Oficial* No. 24, vol. 394, of 6 February 2012. Available at www.diariooficial.gob.sv/diarios/do-2012/02-febrero/06-02-2012.pdf.

[11] Act on Promotion, Protection and Support for Breast-Feeding, published in *Diario Oficial* No. 145, vol. 400, of 12 August 2013. Available at www.diariooficial.gob.sv/diarios/do-2013/08-agosto/12-08-2013.pdf.

[12] Social Development and Protection Act, published in *Diario Oficial* No. 68, vol. 403, of 9 April 2014. Available at www.diariooficial.gob.sv/diarios/do-2014/04-abril/09-04-2014.pdf.

[13] Special Act on the Regulation and Control of Pyrotechnic Activities, published in *Diario Oficial* No. 198, vol. 405, of 24 October 2014. Available at www.diariooficial.gob.sv/diarios/do-2014/10-octubre/24-10-2014.pdf.

[14] Special Act against Trafficking in Persons, published in *Diario Oficial* No. 213, vol. 405, of 14 November 2014. Available at www.diariooficial.gob.sv/diarios/do-2014/11-noviembre/14-11-2014.pdf.

[15] Ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, published in *Diario Oficial* No. 230, vol. 405, of 9 December 2014. Available at www.diariooficial.gob.sv/diarios/do-2014/12-diciembre/09-12-2014.pdf.

[16] National Policy on Comprehensive Protection for Children and Adolescents 2013–2023. Available at http://publica.gobiernoabierto.gob.sv/institutions/consejo-nacional-de-la-ninez-y-de-la-adolescencia/information_standards/otros-documentos-normativos.

[17] National Action Plan 2014–2017. Available at www.conna.gob.sv/?wpdmpro=plan-nacional-de-accion-de-la-pnpna-2014-2017.

Comprehensive Child and Adolescent Development was converted into a public entity that runs children's and adolescents' welfare programmes, coordinates and monitors the programmes of the entities that make up the Shared Care Network, provides training for the staff of the National System for the Comprehensive Protection of Children and Adolescents, conducts investigations and compiles statistics.

9. The National Council for Children and Adolescents is the highest-ranking authority of the National System for the Comprehensive Protection of Children and Adolescents and, as such, plans and coordinates the System's work. It also designs, approves and monitors iterations of the National Policy on Comprehensive Protection for Children and Adolescents and defends the rights of children and adolescents.

**Coordination mechanisms**

10. Pursuant to its coordinating role within the National System for the Comprehensive Protection of Children and Adolescents, the National Council for Children and Adolescents set up a system-wide technical coordination committee in 2014. It has also established coordination and cooperation mechanisms to address such matters as migration, the strengthening of the System at the local level and the implementation of the National Policy on Comprehensive Protection for Children and Adolescents.

11. In this area, civil society organizations felt that the institutions of the National System for the Comprehensive Protection of Children and Adolescents should fulfil their role by ensuring adequate inter-institutional communication and allowing for greater participation by civil society in their work.

**Independent monitoring**

12. The Child and Adolescent Protection Act recognizes the role of the Office of the Human Rights Advocate, which also has a deputy advocate for the rights of children, adolescents and young persons and Juvenile Human Rights Dissemination Units. In 2015, an accessible complaints mechanism for children and adolescents was set up. The Office of the Human Rights Advocate has its own budget, which is financed through the General Fund of the Nation. The budget for the period 2010 to 2015 grew overall by 33.8 per cent (see annex 1).

**Allocation of resources**

13. El Salvador operates human development, protection and social inclusion programmes whose activity has an impact on children and adolescents (see annex 2).

14. With regard to the recommendation contained in paragraph 12 of the Committee's concluding observations, between 2011 and 2015 the General Fund of the Nation allocated US$ 22,583,580 to the National Council for Children and Adolescents[18] (see annex 3) and to the establishment of 15 departmental boards for the protection of children and adolescents (protection boards). The National Council had an annual operating budget of US$ 2,683,235 between 2011 and 2015.

15. In 2013, a public register of shared-care agencies was established to ensure that programmes for children and adolescents met high standards. By 2015, there were 68 institutions on the register, providing support for approximately 195,000 children and adolescents through 54 programmes.[19]

16. In addition, 28 local committees for the rights of children and adolescents had been set up by 2015, with input from the Ministry of Health, the Ministry of Education and the community. US$ 18,755 has been invested in basic equipment and US$ 7,590 spent on food allowances for participants. The National Council for Children and Adolescents also provides technical assistance for 104 municipal councils that are setting up committees.[20]

[18] At the time of writing, the National Council employs 363 persons.

[19] Source: www.conna.gob.sv/?wpdmpro=memoria-de-labores-2014-2015.

[20] Information provided by the National Council for Children and Adolescents (2015).

17. With regard to the recommendation contained in paragraph 18 of the Committee's concluding observations, investment in children's and adolescents' health has increased. Direct and indirect public expenditure rose from US$ 275.3 million in 2011 to US$ 356.71 million in 2013 (preliminary figures), an increase of 29.5 per cent that equates to US$ 81.4 million and covers the salaries of 29,290 professional service providers (see annexes 4 and 5).

18. Under the safe-schools plan, 788 schools were provided with security personnel (see annexes 6 and 7). The Technical Secretariat for Planning of the Office of the President, in cooperation with the United Nations Children's Fund (UNICEF), produced a study entitled "Measurement of public expenditure on children and adolescents in 2011",[21] which led to the establishment of a standard system for the regular measurement and monitoring of public investment.

19. With the support of UNICEF, phases one and two of a project designed to strengthen the National System for the Comprehensive Protection of Children and Adolescents were rolled out in 2012, with a budget of US$ 205,373. The project helped with the drafting of regulations, the National Policy on Comprehensive Protection for Children and Adolescents, the National Action Plan, awareness-raising material and specialized training programmes for the System's staff.

**International cooperation**

20. The country programme[22] agreed between the Salvadoran Government and UNICEF[23] for the 2012–2015 period had a budget of US$ 11,500,000. In 2014, UNICEF received funds from five donors that were subsequently invested in the establishment of the National System for the Comprehensive Protection of Children and Adolescents, children's and adolescents' inclusion in education, capacity-building in the juvenile justice system, emergencies, the prevention of violence and other areas relating to children's and adolescents' rights.

**Cooperation with civil society**

21. Civil society is a part of the National System for the Comprehensive Protection of Children and Adolescents and participates in various decision-making mechanisms at different levels, such as the Governing Board of the National Council for Children and Adolescents, local committees for the rights of children and adolescents, boards specializing in children and adolescents and the Shared Care Network.

**Data collection**

22. The National Council for Children and Adolescents operates the Child and Adolescent Information System, having acquired information technology equipment and software licences at a cost of US$ 166,038.60 in 2014. Its current projects include the design of a database standardization system.

23. Other information technology systems include the Information System for Monitoring and Evaluating Child Labour,[24] the Health Information System,[25] a health statistics system, the Ministry of Education's Geographic Information System and the Child Information System, which is designed to provide timely, reliable information on children and adolescents who receive care from the Salvadoran Institute for Comprehensive Child and Adolescent Development or from private institutions.

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[21] Available at www.unicef.org/elsalvador/Medicion_del_GPNNA.pdf.

[22] Source: www.unicef.org/elsalvador/activities_27558.htm.

[23] According to UNICEF, the impact of the financial crisis on the bilateral and multilateral donors providing support for El Salvador and the Central American region and on the country's status as a lower-middle-income country must be taken into account.

[24] Available at www.trabajoinfantil.gob.sv/simeti/Default.aspx.

[25] Available at sins.salud.gob.sv/.

24. In 2013, the National Council for Children and Adolescents published a report on the rights of children and adolescents in El Salvador,[26] which incorporated children's and adolescents' views on their rights. This helped to guide the drafting of the National Policy on Comprehensive Protection for Children and Adolescents.

**Dissemination, training and awareness-raising**

25. The National Council for Children and Adolescents has organized training courses in which 1,766 members of staff of the National System for the Comprehensive Protection of Children and Adolescents participated between 2013 and 2015. In addition, a training school for staff at the Salvadoran Institute for Comprehensive Child and Adolescent Development has been set up, offering training in human rights-related topics, in which 8,434 persons participated between 2012 and May 2015 (see annexes 8 and 9).

26. From 2009 to 2015, the Technical Secretariat for Planning of the Office of the President organized training courses for families with children or adolescents participating in the Community Solidarity Programme. In 2009, 2010 and 2013, 90,000 people a year took part in courses in children's and adolescents' rights and family and community strengthening.

27. The Office of the Human Rights Advocate organized promotional and educational activities relating to children's and adolescents' rights between June 2013 and May 2014, in which 59,271 people took part (of whom 51.1 per cent were women and 44 per cent were children, adolescents or young people).

28. Two children's rights awareness campaigns have been conducted: the "Mark My Life" campaign in 2013[27] and the "Protection Begins at Home" campaign. In 2015, the radio programme "Talk to Me" was launched to provide support for families in their work of child protection and parenting.

## B. Definitions of child and adolescent (art. 1)

29. According to the Directorate General of Statistics and Censuses, children and adolescents made up 33.8 per cent (2,163,676 persons) of the total population in 2014 (see annex 10).

30. Article 3 of the Child and Adolescent Protection Act defines a child as any person under the age of 12, counting from the moment of conception, and an adolescent as any person between the ages of 12 and 18. Article 3 recognizes children and adolescents as subjects of rights and obligations and supersedes article 26 of the Civil Code of 1860.

31. The following age limits are established under current legislation. According to article 71 of the Constitution, all Salvadorans over the age of 18 are citizens having reached the age of majority. Under articles 100, 59 and 64 of the Child and Adolescent Protection Act, the right of association is attained at the age of 14. The minimum working age is 14 years and for domestic workers 16 years. Article 210 of the Labour Code provides for the right of workers over the age of 14 to join a trade union. Under article 2 of the Juvenile Criminal Justice Act, persons between the ages of 12 and 18 years can be held liable for criminal acts. Articles 26 and 49 of the Production and Commerce Regulation Act prohibit the sale of alcohol and other controlled substances to persons under the age of 18 years. According to article 218 of the Child and Adolescent Protection Act, legal capacity is attained at the age of 14 years and persons over that age can stand trial. In addition, persons over the age of 12 years have the right to be heard and to express consent, provided that they do not have a disability that impairs their judgment. Primary education comprises nine years of study that begin at the age of 7 years and persons over the age of 16 years can volunteer for military service.

[26] **Available at** www.conna.gob.sv/wp-content/uploads/2016/06/Estado-de-Situacion-de-los-derechos-de-las-NNA-en-El-Salvador.pdf.

[27] **See the following news article**: www.laprensagrafica.com/2013/09/07/conna-lanza-campana-a-favor-de-ninez.

32. The country is yet to overcome the challenge of setting the minimum age for marriage at 18 for both sexes.

## C. General principles (arts. 2, 3, 6 and 12)

### Non-discrimination

33. In 2009, El Salvador established the Secretariat for Social Inclusion to advise government departments on their handling of social inclusion and non-discrimination issues.

34. Other institutions, such as the National Council for Persons with Disabilities, have comprehensive care policies under which they act to prevent discrimination against children and adolescents with disabilities in the areas of education, health and rehabilitation and against persons with disabilities throughout their lives. In May 2010, the Government issued a decree setting out measures for the prevention of all forms of discrimination on grounds of gender identity or sexual orientation in the civil service.

35. As regards diversity and ethnic and cultural plurality, Salvadoran African Heritage Day has been celebrated on the last Saturday in August every year since 2014. As for the indigenous population, following the amendment to article 63 of the Constitution in 2014, municipal ordinances recognizing the rights of indigenous peoples have been promoted in the municipalities of Nahuizalco, Izalco, Panchimalco and Cuisnahuat, while other ordinances are being drawn up in the municipalities of Cacaopera, Conchagua and Santo Domingo.

### Best interests of the child

36. The principle of the best interests of the child and adolescent is set out in article 12 of the Child and Adolescent Protection Act. The National Council for Children and Adolescents provides technical assistance to mainstream this principle in national policies, such as the National Policy on Comprehensive Protection for Children and Adolescents, local policies and institutional adjustment procedures.

### Right to life, survival and development

37. The right to life is recognized from the moment of conception (art. 16 of the Child and Adolescent Protection Act). To guarantee that this right is upheld and to prevent acts of violence, the Ministry of Justice and Public Security operates a "Strong Families" programme, under which it provides assistance for vulnerable families and young people, and a summer school programme that it runs in cooperation with the National Civil Police and the Ministry of Education.

38. Efforts to raise awareness of the consequences of violence have been undertaken at the institutional level. For example, a community-focused gender-based violence prevention model for men and women has been introduced and the Women's Cities Programme has been rolled out at six focal points. The Ministry of Health ran an intersectoral, comprehensive health-care plan for adolescents and young people from 2012 to 2014. It strengthened its comprehensive care unit for persons affected by violence and injuries and produced a training manual on gender equality to address that issue. The Ministry of Education set up a frame of reference for the comprehensive protection of children and adolescents at school to provide special prevention services, care and protection for vulnerable groups and to tackle events or situations resulting in vulnerability or crime. Most municipalities run violence-prevention programmes and projects. In 2010, the Ministry of Justice and Public Security relaunched its "Pre-Peace" programme on the prevention of violence and the promotion of a culture of peace, with a view to involving communities in violence prevention.

39. The Executive Technical Unit of the Justice Sector runs a people's legal education programme in educational institutions in socially vulnerable areas in which many people are affected by violence: 13,843 children and adolescents, 532 teachers and 515 mothers and fathers have benefited from the programme.

40. With regard to the provision of care for victims, the Attorney General's Office has units specializing in offences relating to children, adolescents and women, which provided assistance and legal guidance for 1,915 child and adolescent victims of violence between 2011 and 2014. Between 2010 and 2015, the National Civil Police assisted 1,332 children and adolescents affected by domestic violence and carried out 429 protection measures. It also dealt with the cases of 118 children and adolescents affected by child abuse (see annexes 11, 12 and 13). In 2011, an executive decree was passed temporarily prohibiting weapons in 27 municipalities. The Ministry of Justice and Public Security helped to implement and raise awareness of the decree, educating people about the impact of weapons. All of the actions described above relate to the recommendation contained in paragraph 32 of the Committee's concluding observations.

**Respect for the views of children and adolescents**

41. Under article 94 of the Child and Adolescent Protection Act, children and adolescents have the right to express their views and to be heard by any entity or in any process that may affect them. The proceedings of protection boards and special courts are automatically invalidated if this right is breached.

42. In 2014, the Children's and Adolescents' Advisory Board was set up, comprising 28 children and adolescents from across the country, as a means of encouraging children's and adolescents' participation in decision-making.[28] The Board was consulted during the preparation of the Five-Year Development Plan 2014–2019.

# II. Rights

## A. Civil rights and freedoms (arts. 7, 8, 13–17, 28 (2), 37 (a) and 39)

**Name and nationality (art. 7)**

43. In 2009, the National Registry of Natural Persons, the Salvadoran Social Security Institute and the Ministry of Health began the process of updating the identity registration procedure to ensure that every child born in a public hospital leaves with a copy of his or her footprint and in possession of a first name and surname. Registration may be completed free of charge for 90 days after birth.

44. The Institute and the Ministry produced a standardized format for the birth registration form, which is now used throughout the national health system. The form provides a summary of all the data required after birth.

45. A total of 152 agreements were signed between municipal governments and the Registry in an effort to simplify the registration process. In 2011, an agreement was signed between the Ministry of Health and the Registry to guarantee the right of a newborn child to an identity and to be identified. There are 13 national offices tasked with facilitating this process. A programme to support such identification and identity procedures for children and adolescents living in border areas was also implemented.

46. In addition, between 2010 and 2014, the Registry embarked on a modernization process involving 98 municipalities and 19,018 people (see annex 14). In 2013, in its capacity as a member of the Latin American and Caribbean Council for Civil Registration, Identity and Vital Statistics, the Registry signed a cooperation agreement that paved the way for coordinated action among the civil registries in Guatemala, El Salvador and Honduras, aimed at establishing a cooperation framework and dealing with stateless children, children who were in transit in one of these countries and unregistered children who migrate.

[28] Available at: www.presidencia.gob.sv/presidente-sanchez-ceren-comparte-un-espacio-de-dialogo-con-adolescentes-y-jovenes-del-consejo-consultivo-del-conna/.

47. In 2012, the Ministry of Health developed a standard for recording vital statistics,[29] which required medical staff and midwives attending out-of-hospital deliveries to refer the parents of newborn children to a health centre so that they might be provided with documentary proof of the birth.

48. In order to promote the use of registration services, the Counsel General's Office organized community outreach events, in cooperation with civil society, on the subject of identity issues, at which it provided legal advice and helped resolve cases. It also processed 19,176 identity-related inquiries (see annex 15). While the country has made progress in the registration of children, it is aware that further administrative and legal measures need to be taken in this area.

49. Civil society organizations have recognized the progress made but suggested that registration be completely free of charge and that local services be made more accessible to families who, for financial and other reasons, are unable to travel to complete the process. They have also said that steps should be taken towards assigning to a single institution the task of registering newborn children and updating municipal registers.

**Preservation of identity (art. 8)**

50. The National Commission on the Search for Children who Disappeared during the Internal Armed Conflict[30] between 1 January 1977 and 16 January 1992, which is responsible for reuniting children with their birth family, was established by executive decree in 2010 and became operational in 2011.

51. The Commission was seized of 165 cases in 2011 and is currently handling 267, having already located 25 young people, 16 of whom are resident in El Salvador, 4 in the United States of America, 2 in Guatemala, 1 in Italy, 1 in Belize and 1 in France. These include José Rubén Rivera, who featured in the *Contreras et al. v. El Salvador* case heard by the Inter-American Court of Human Rights.[31] In 2012, the State apologized for the children who disappeared during the war and acknowledged its responsibility in that connection.

52. The Attorney General's Office instituted criminal proceedings in the case of Serrano Cruz before the Court of First Instance of Chalatenango in accordance with the repealed criminal legislation of 1973. The Constitutional Division has ruled on habeas corpus appeals filed by persons affected by enforced disappearance, ordering an investigation into the cases of enforced disappearance, including those involving children.

53. In 2013, the Government submitted a bill to the Legislative Assembly providing for the ratification of the Inter-American Convention on Forced Disappearance of Persons and the International Convention for the Protection of All Persons from Enforced Disappearance. The Office of the Human Rights Advocate has likewise called for the ratification of the two instruments.[32] Both are currently under consideration.[33]

54. The civil society representatives consulted said that the Commission should be further strengthened and should be established as a formal entity by legislative decree. They also stated that it should have access to the information necessary to determine the whereabouts of more disappeared persons, be equipped with a genetic information system to preserve data that might, in the future, serve to establish parentage and work more closely with consulates in handling requests for the determination of identity.

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[29] Standard for recording vital statistics, published in *Diario Oficial* No. 239, vol. 397 of 20 December 2012, available at www.diariooficial.gob.sv/diarios/do-2012/12-diciembre/20-12-2012.pdf.

[30] Establishment of the National Commission on the Search for Children who Disappeared during the Internal Armed Conflict, published in *Diario Oficial* No. 11, vol. 386 of 18 January 2010, available at www.diariooficial.gob.sv/diarios/do-2010/01-enero/18-01-2010.pdf.

[31] Available at www.corteidh.or.cr/docs/casos/articulos/seriec_302_esp.pdf.

[32] See press release at www.pddh.gob.sv/menupress/581-semana-internacional-sobre-la-desaparicion-forzada-de-personas.

[33] See press release at www.asamblea.gob.sv/noticias/archivo-de-noticias/relaciones-exteriores-analiza-tema-de-desaparicion-forzada.

55. They also reiterated the need for El Salvador to ratify the treaties on enforced disappearance that had not yet been ratified and to amend the provisions of the Criminal Code relating to the penalties imposed for the practice.

**Freedom of expression (art. 13)**

56. Since this right is expressly provided for in the Child and Adolescent Protection Act, the State has adopted a number of policy measures to encourage children and adolescents to exercise their right to freedom of expression, including the National Policy on Comprehensive Protection for Children and Adolescents, in the formulation of which 3,784 children and adolescents participated. Adolescents were likewise consulted during the formulation stage of the National Youth Policy and the National Mental Health Policy in 2011 and the National Policy on Sexual and Reproductive Health, the National Policy on Social Participation in Health and the Guidelines for the Care of Adolescents and Young People in 2012, with a focus on rights, gender, diversity and inclusion.

**Access to appropriate information (art. 17)**

57. Under the Access to Public Information Act, mechanisms have been created to raise public awareness of the investments, programmes, plans and projects carried out by the State and local governments. This approach encourages greater transparency in decision-making.

58. In order to publicize the Act, the Executive Technical Unit of the Justice Sector began by conducting a campaign involving children and adolescents and persons with disabilities and then, with technical and financial support from the Spanish Agency for International Development Cooperation, implemented the Multi-year Plan relating to the Fund for the Institutional Strengthening of the Justice Sector-Executive Technical Unit of the Justice Sector.

59. The National Council for Persons with Disabilities has undertaken further initiatives to guarantee persons with disabilities access to information through the use of accessible formats such as Braille and large-print and the services of Salvadoran Sign Language interpreters at public events and during national emergencies.

60. The Ministry of the Interior has performed 21,554 checks on radio programmes and 88 checks on foreign shows so as to avoid exposing children and adolescents to shows that might be harmful to them. The Office of the President has likewise made informational and participatory television programmes for children and adolescents, such as the "Conversing with the People" programme.

61. During consultations with civil society organizations, children and adolescents pointed to such challenges as of the regulation of inappropriate content online and the eradication of online grooming and cyberbullying.

**Freedom of thought, conscience and religion (art. 14)**

62. The Child and Adolescent Protection Act provides for freedom of thought, conscience and religion, in accordance with the Convention and the democratic and secular nature of the State. Parents may choose to enrol their children in the country's private religious schools. In 2014, 1,535,383 children enrolled in public and private schools. Of these, 82.65 per cent enrolled in public (State) schools, which are secular, 10.53 per cent in private secular schools and 6.81 per cent in religious schools (see annex 16).

63. The Office of the Human Rights Advocate promoted the participation of adolescents and young people in electoral monitoring and observation processes in 2004, 2006, 2009 and 2012. Similarly, in 2014, the Ministry of Education introduced an electoral observation system in schools, in whose work 600 persons participated, including upper primary school and secondary school students, teaching staff and parents.

**Freedom of association and peaceful assembly (art. 15)**

64. The National Institute for Youth has provided technical support for the establishment of 40 associations for adolescents and young people, waiving the fees that

would otherwise be payable to the Register of Not-for-Profit Associations and Foundations. The National Council for Children and Adolescents, meanwhile, has helped set up local committees for the rights of children and adolescents and established associations to promote and support those rights. In this way, it promotes the participation of adolescents who are members of organized groups.

65. Through its Juvenile Human Rights Dissemination Units, the Office of the Human Rights Advocate has conducted human rights training and set up the Platform for Children and Young People 2009–2014.[34]

66. While civil society organizations have acknowledged the progress made in this area, they have noted that the prevailing criminal environment may lead to adolescents being "stigmatized" by State security forces. They therefore recommend that more be done to ensure that children and adolescents are treated with dignity and respect in institutions and that their right to freedom of association is observed.

**Protection of privacy (art. 16)**

67. Article 46 of the Child and Adolescent Protection Act prohibits the dissemination, display or use of images of children and adolescents against their will and without the consent of their parent or guardian. Furthermore, in administrative or legal proceedings, their personal data must remain confidential. Similarly, the Code of Criminal Procedure was amended with a view to reducing the revictimization of children and adolescents who take part in criminal proceedings as victims or witnesses and protecting their image and privacy.[35]

68. In 2014, the National Council for Children and Adolescents organized a round table with journalists on the participation and use of images of children and adolescents in electoral processes in El Salvador, the purpose of which was to promote the proper use of images of children and adolescents.

**Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))**

69. The Child and Adolescent Protection Act lays down a guarantee of protection against torture and cruel, inhuman and degrading treatment. Both the Juvenile Criminal Justice Act and the Criminal Code prohibit torture in detention centres. The Juvenile Criminal Justice Act provides that adolescents may be deprived of their liberty only in exceptional circumstances. The duration of their deprivation of liberty may not exceed 15 years for the most serious offences.

70. With regard to the monitoring of police activities, the Organic Act establishing the General Inspectorate of Public Security[36] was adopted in 2014. Under the Act, the Inspectorate is designated the body responsible for monitoring public security institutions.

71. The National Public Security Academy trains police officers in such topics as the doctrine of comprehensive protection and human rights. In recent years, 628 police officers (140 women and 488 men) have received training in special laws and 593 (84 women and 509 men) in specialized fields, as well as attending the professional development courses run by the Academy, on the basis of which 1,736 police officers (149 women and 1,587 men) have been promoted at the basic and executive levels.

72. The Office of the Human Rights Advocate has received 612 complaints concerning violations of the right to integrity of the person.[37]

[34] Available at http://es.slideshare.net/dikerd/plataforma-niez-adolescencia-y-juventudes-el-salvador-2014–2019.

[35] Art. 106 (10) et seq. of the Code of Criminal Procedure: www.asamblea.gob.sv/eparlamento/indice-legislativo/buscador-de-documentos-legislativos/codigo-procesal-penal.

[36] Published in *Diario Oficial* No. 202, vol. 405 of 30 October 2014. www.diariooficial.gob.sv/diarios/do-2014/10-octubre/30-10-2014.pdf.

[37] Of these, 434 concern ill-treatment, 77 the disproportionate use of force, 38 cruel, inhuman or degrading treatment and 6 torture.

73. With regard to the United Nations study on violence against children (A/61/299), the Government has still not fully updated its legislation expressly prohibiting corporal punishment in all settings. If any form of violence is identified in the course of judicial proceedings, however, it does provide psychosocial assistance and duly informs the relevant protection board and the Attorney General's Office to enable the necessary action to be taken. Moreover, at the initiative of Save the Children, a committee for the eradication of corporal punishment and humiliating or degrading treatment has been established, comprising representatives of the Office of the Human Rights Advocate, the National Council for Children and Adolescents, the Counsel General's Office and specialized children's courts.

74. Children and adolescents consulted on this have stated that the Child and Adolescent Protection Act allows them to defend their rights and report ill-treatment. In the area of education, they believe that teachers should be trained to use new learning tools as a means of preventing all forms of psychological and physical violence and that each school should have a psychologist. Forums where children and adolescents can be heard and consulted should also be set up. In addition, they recommend introducing more employment programmes for parents, improving the quality of education and improving health care.

## B. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 19–21, 25, 27 (4) and 39)

75. The Child and Adolescent Protection Act and the Family Code set out the obligations of parents towards their children. Separation measures are adopted only in exceptional circumstances.

### Parental guidance (art. 5)

76. The "Strong Families" programme and a strategy for family education were devised in an effort to strengthen emotional ties in vulnerable children and adolescents.

77. Under the early childhood education and comprehensive development model, family circles are strengthened by streamlining processes aimed at raising awareness, encouraging early stimulation and promoting parenting guidelines in general, in cooperation with families themselves.[38]

### Parental responsibilities (art. 18 (1) and (2))

78. The National Council for Children and Adolescents launched the "Mark My Life" campaign in 2014 and, in 2015, the "Protection Begins at Home with Proper Treatment and Positive Discipline" campaign and also the "Talk to Me" radio programme, which supports families in protecting, educating and facilitating the social integration of children and adolescents.

79. Both the Act on Rest Days, Vacations and Leave for Public Sector Employees[39] and the Labour Code[40] were amended to strengthen and promote responsible parenting.

### Separation from parents (art. 9)

80. Under the national system for the comprehensive care of children and adolescents, the separation of children or adolescents from their parents, representatives or guardians may be ordered, in exceptional circumstances, pursuant to a temporary administrative measure of emergency placement in cases of ill-treatment or total abandonment, with their care being entrusted to suitable persons with family ties or to the Salvadoran Institute for

[38] See press release at www.transparenciaactiva.gob.sv/gobierno-lanza-nuevo-curriculo-para-educacion-en-primera-infancia.

[39] Amendment to art. 9 of the Act, published in *Diario Oficial* No. 213, vol. 409 of 19 November 2015, available at www.diariooficial.gob.sv/diarios/do-2015/11-noviembre/19-11-2015.pdf.

[40] Amendment to art. 29 of the Labour Code, published in *Diario Oficial* No. 71, vol. 399 of 19 April 2013, available at www.diariooficial.gob.sv/diarios/do-2013/04-abril/19-04-2013.pdf.

Comprehensive Child and Adolescent Development, pending the transition to another protection measure.

**Family reunification (art. 10)**

81. Family reunification must be handled in a positive, humane and expeditious manner. This entails coordinated action by the institutions responsible for regulating the entry of children and adolescents into the country, irrespective of whether their parents are foreign or Salvadoran nationals.

82. Comprehensive care is provided for persons returned by land and coordinated efforts are made to reunite them with their families. Furthermore, a total of 1,346 residence permits have been granted to foreign nationals to allow them to accompany their spouses or children who are under 18 years of age (see annex 17). Care centres for children, adolescents and families are also in operation.

83. When a passport is issued, the relevant legal requirements are verified to avoid breaking up families. A total of 308,946 passports were issued between 2009 and 2015 (see annex 18). In addition, children and adolescents are protected against possible illicit transfer upon leaving the country, pursuant to the Hague Convention on the Civil Aspects of International Child Abduction.

84. In conducting studies on this issue, the Ministry of Foreign Affairs, together with the Central American University and with the support of the Ford Foundation, prepared a research paper entitled *Atrapados en la tela de araña: La migración irregular de niñas y niños salvadoreños hacia los Estados Unidos* (Caught in the spider's web: The irregular migration of Salvadoran children to the United States), which describes the family-related reasons behind irregular migration. In 2014, the National Council for Children and Adolescents prepared an executive report on the situation of accompanied and unaccompanied Salvadoran migrant children and adolescents.[41]

85. The challenge is to prevent migration through comprehensive State action and to create the conditions necessary for family reunification to take place, whether abroad or in El Salvador. It is hoped that a protocol for the care of returned and unaccompanied children and adolescents will be adopted. Furthermore, in the future, local efforts will be stepped up through the National Council for the Protection and Advancement of Migrants and Their Families.

**Recovery of maintenance for the child (art. 27 (4))**

86. In response to the recommendation contained in paragraph 47 (a) of the Committee's concluding observations, the Counsel General's Office established the Third-Party Funds Control Unit, which collects and pays maintenance, in coordination with other institutions nationally and through consulates for Salvadorans resident abroad. Maintenance was collected and paid in respect of 93,210 children and adolescents between 2009 and 2015 (see annex 19). Payments totalling $98,228,401.98 were received between 2010 and 2014 (see annex 20).

87. The judiciary has created mechanisms to enforce the recovery of maintenance. One such measure is attachment of earnings and another is to prevent insolvent parents from leaving the country once the relevant order has been issued. Between 2009 and 2015, 1,930 orders restricting the movement of parents in that situation were imposed (see annex 21).

88. Lastly, article 201 of the Criminal Code of 2015[42] was amended to increase the penalties applicable to persons who fall behind with their payments or who fail to comply with protective measures imposed for acts of violence. These persons will now receive a prison sentence of between 1 and 3 years or the community service equivalent.

[41] Available at www.conna.gob.sv/?wpdmpro=informe-ejecutivo-sobre-la-situacion-de-ninas-ninos-y-adolescentes-salvadorenos-migrantes-acompanados-y-no-acompanados.

[42] Amendment to article 201 of the Criminal Code, published in *Diario Oficial* No. 237, vol. 409 of 23 December 2015, available at: http://www.diariooficial.gob.sv/diarios/do-2015/12-diciembre/23-12-2015.pdf.

**Children deprived of their family environment (art. 20)**

89. The Child and Adolescent Protection Act provides that, whenever measures are prescribed that deprive children and adolescents of their family environment, the conditions necessary for their return must also be created by working with the birth family to introduce positive parenting models and to strengthen family relations. Bearing in mind this mandate, the Salvadoran Institute for Comprehensive Child and Adolescent Development has begun to train its staff in primary care and to improve medical and education services.

90. There are 25 care institutions that run institutional care programmes. Links have also been established between the public health system and some private centres for the purpose of providing care. Two of these institutions — one private and one public — operate care centres for children and adolescents with physical disabilities. There is also one care centre for children and adolescents who have been diagnosed with HIV.

91. Alternative care programmes have been updated to reflect the Guidelines for the Alternative Care of Children.

92. Following the entry into force of the Child and Adolescent Protection Act, there has been a decrease in the number of children and adolescents residing in care centres. There were 890 children and adolescents residing in such centres in 2009, but, following the establishment of specialized courts for children and adolescents in 2011 and protection boards in 2012, this number fluctuated between 649 in 2011, 570 in 2012, 606 in 2013, 473 in 2014 and 422 in 2015 (see annex 22). This relates to the recommendation contained in paragraph 49 (b) of the Committee's concluding observations.

93. The Child and Adolescent Protection Act tasks the Salvadoran Institute for Comprehensive Child and Adolescent Development with overseeing the implementation of the programmes run by the various care institutions and monitoring the situation of children and adolescents placed in care. Following the launch of the new registry of care institutions for children and adolescents in 2013, the National Council for Children and Adolescents proceeded to review and streamline the functioning of public and private care institutions registered with the Institute prior to the Act's entry into force. Up until 2013, there were 179 institutions implementing 629 programmes. The Institute currently submits a report on these care institutions to the Council and, to date, has conducted 4,536 checks on programmes (see annexes 23 and 24).

94. The specialized courts for children and adolescents received complaints from parents, caregivers, children and adolescents concerning the situation in care centres and referred them to the Council, which, between 2012 and 2015, investigated 50 possible cases of threats or ill-treatment in 16 private and 1 public care centre. Personal and institutional liability was determined, corrective administrative measures were prescribed and complaints or notifications were sent to competent bodies such as the protection boards and the Attorney General's Office for processing.

95. A number of challenges have been identified. These are to create suitable mechanisms to handle the complaints and concerns of children and adolescents in care about the treatment that they receive and to review their care arrangements; to improve care programmes so as to facilitate the return of children and adolescents to their family environment; and to update the legal mechanisms for monitoring institutional care facilities.

**Adoption (art. 21)**

96. The legislature has started discussions on the draft special adoption act, the purpose of which is to establish rules on areas of responsibility and to align principles and processes with international standards.

97. The Adoption Office of the Counsel General's Office is responsible for selecting and rating families interested in adopting, in accordance with the relevant legal requirements.

98. As for the recommendation contained in paragraph 51 (c) of the Committee's concluding observations, article 128 of the Child and Adolescent Protection Act gives priority to foster families, "on condition that they meet the legal requirements and that [the

adoption] is in the child's best interests". The Counsel General's Office authorized 389 adoptions (see annex 25) at its administrative headquarters between 2012 and 2015 before referring the cases to the judicial authorities for approval: 323 adoptions were approved between 2010 and 2013 and the number of adoptions is on the rise (see annex 26).

99. In its supervisory role, the National Council for Children and Adolescents has identified challenges in the administrative and judicial stages of this process and has received complaints in relation to 26 adoption cases, most of which concern processing delays.

100. The Salvadoran Institute for Comprehensive Child and Adolescent Development issued 558 decisions declaring fitness for adoption within the country between 2009 and 2013 and 70 such decisions between 2014 and 2015. Between 2009 and 2013, 56 reports were submitted to the Counsel General's Office in relation to cases of intercountry adoption, in accordance with the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. Pursuant to that Convention, 10 investigations into foreign families and two international agencies located in Spain and the Netherlands were authorized.

101. El Salvador should adopt new regulations on adoption and establish effective inter-agency coordination to allow the legal status of children and adolescents to be determined in a timely manner.

**Illicit transfer and non-return (art. 11)**

102. The competent institutions have taken steps to prevent the illicit transfer of children abroad or their non-return, in accordance with article 43 of the Child and Adolescent Protection Act. Moreover, letters of understanding have been signed with the civil registries of Guatemala and Honduras to allow relevant documentation to be consulted, including in cases of children and adolescents who are travelling unaccompanied or irregularly.[43]

103. The General Directorate of Migration and Aliens' Affairs has refused to allow children and adolescents to leave the country for a variety of reasons, mainly their lack of valid documentation. This situation has become increasingly widespread, with 702 cases having been recorded in 2011 and 1,884 in 2015. The National Civil Police reports that, between 2011 and 2014, 606 children and adolescents were victims of illicit transfers (see annexes 27 and 28).

104. Under the Hague Convention on the Civil Aspects of International Child Abduction, the Counsel General's Office, acting in its capacity as the central authority, intervened as the requesting and requested authority in 73 cases between 2011 and 2015 (see annex 29).

**Children and adolescents returned per year**

105. The General Directorate of Migration and Aliens' Affairs recorded 15,450 children and adolescents who had been returned by road or air between 2009 and 2015. Of these, 3,587 were referred to protection boards in 2015 (see annexes 30, 31 and 32).

**Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)**

106. Between 2012 and 2015, the protection boards dealt with 45,925 cases, concerning 52,065 children and adolescents, in which the right most frequently violated was the right to integrity of the person (see annexes 33, 34 and 35).

107. With regard to the recommendation contained in paragraph 53 (c) of the Committee's concluding observations, the Salvadoran Institute for the Advancement of Women sent a formal request to the Legislative Assembly in 2014 for an update on the measures taken to expedite the process of ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

[43] Available at www.mp.hn/wp-content/uploads/2013/09/Carta-de-Entendimiento-Salvador-Honduras-y-Guatemala.pdf.

**Periodic review of placement (art. 25)**

108. The Child and Adolescent Protection Act has served to increase the frequency with which placements are reviewed from every six months to every three months. Specialized courts for children and adolescents and family courts are responsible for conducting placement reviews. According to the specialized courts (which conducted most of the reviews) and the family courts, 903 children were returned to their families and 552 children placed in foster care between 2010 and 2014. This tallies with the reduction in the number of children and adolescents in care centres run by the Salvadoran Institute for Comprehensive Child and Adolescent Development.

109. An inter-institutional committee on family reintegration, comprising representatives of the Ministry of Health, the National Council for Children and Adolescents, the Ministry of Labour, the Ministry of Justice and Public Safety, the Counsel General's Office and the Salvadoran Institute for Comprehensive Child and Adolescent Development, with four representatives of civil society, was also established and proceeded to draw up a road map for expediting this process.

110. Children and adolescents gave it as their view that the filing of complaints should be encouraged; additional protection boards should be established; parents, in addition to providing financial support, should be encouraged to spend time with their children; and there should be more family-oriented schools and outreach workers. They considered that some care centres should upgrade their facilities so as to turn them into child-friendly spaces while continuing to support those turning 18 years of age. They also said that the National Civil Police and members of the armed forces should be trained to provide psychological therapy in a group setting, in an effort to prevent abuse of authority, such as beatings and disrespectful conduct.

111. Civil society recognizes the progress made as regards the reception of returned migrant children and adolescents, the availability of services and comprehensive family support programmes, the introduction of care centres for children, adolescents and families and the establishment of the National Council for the Protection and Advancement of Migrants and Their Families. It also appreciates the availability of loans and advice, although it points out that these services are centralized. It commends the progress made in meeting food quotas but highlights the need to align them with the cost of living. It acknowledges the State's efforts to place fewer children and adolescents in care centres but notes that the protection boards' heavy workload prevents them from providing a timely and immediate response. It also recognizes the progress made in prohibiting corporal punishment by law in all settings but points out the need for more programmes to promote parenting free from violence.

## C. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)

**Survival and development (art. 6 (2))**

112. The aim of the recently introduced universal social protection system is to deliver, in a gradual and consistent manner, services and programmes such as the health reform and the social and educational plan known as "Let's Go to School", the Community Solidarity Programme, health and education grants in rural areas, education grants, the universal basic pension scheme, the temporary income support programme, the school package programme, the food and school health programme, the "Glass of Milk" Programme and the family farming programme of the Women's City Programme (see annex 36).

**Children with disabilities (art. 23)**

113. Following the ratification of the Convention on the Rights of Persons with Disabilities, the National Council for Persons with Disabilities was reformed, with a view to increasing the participation of representative organizations of persons with disabilities in decision-making.

128. According to the consumer price index of the Directorate General of Statistics and Censuses, the price of medicines dropped by, on average, 1.2 per cent per year between 2009 and 2014, following the entry into force of the Medicines Act. The greatest impact was observed between 2012 and 2014, when prices fell by 13 per cent on average, affecting 35.3 per cent of the medicines subject to regulation. Even the price of over-the-counter medicines fell by 1.4 per cent over this period, completely reversing the price increase trend of 1.5 per cent per year observed prior to price regulation (see annex 48).

129. It is difficult to identify the proportion of the budget that is currently invested directly or indirectly in children and adolescents, but, as detailed in the section entitled "General Measures", public spending in the health sector for the benefit of children and adolescents was increased from 18.7 per cent to 23.3 per cent between 2011 and 2013. Additional resources were also allocated to the Benjamin Bloom Children's Hospital, rising from $22.6 million in 2011 to $29 million in 2015. In addition, the voluntary fee collected in public health facilities was abolished.

### Mortality rate of children under 5 years of age

130. In 2014, the country's hospitals recorded 1,162 deaths of children under 5 years of age, the majority (87 per cent, or 1,011 children) being under 1 year of age. The three major causes were prematurity, congenital defects and pneumonia[53] (see annex 49).[54] The percentage of low birth weight within the national health service rose from 8.6 per cent in 2009 to 8.9 per cent in 2014 (see annex 50).

### Food and nutrition security

131. According to the 2008 national family health survey, the prevalence of chronic malnutrition among children under 5 years of age was 19.2 per cent in 2008, but that figure had fallen to 13.6 per cent in 2014, according to the multiple indicator cluster survey on family health. This indicates that there had been a positive impact on child nutrition. In addition, there are 43 rural health and nutrition centres nationwide, which provide health care and nutrition advice for children who are mostly aged between 2 and 5 years.

132. In 2009, the Ministry of Health allocated $8.24 million, or 1.8 per cent of its budget, to immunization and, since 2011, it has promoted the Expanded Programme on Immunization,[55] thereby securing an increase in vaccination coverage among children under 1 year of age. This programme is free of charge and includes 17 vaccines that prevent 15 diseases[56] (see annexes 51 and 52). There has been a reduction in the number of maternal deaths, which fell from 70 in 2009 to 60 in 2014 (see annex 53).

### Access to prenatal and postnatal care

133. There has been an increase in the level of coverage of prenatal and postnatal health services for girls and women aged between 10 and 49 years. Prenatal registration coverage stood at 83.2 per cent in 2009 and 84 per cent in 2014. Postnatal check-up coverage increased from 74.6 per cent in 2009 to 92.3 per cent in 2013 (see annex 54).

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[53] It emerges, from a consideration of the level of education of these mothers, that, among those who completed their secondary education, at least, there was a rate of 3 deaths per 1,000 live births, while among illiterate mothers the rate was 10 deaths per 1,000 live births. Such discrepancies persist and, indeed, continue to grow when it comes to children under 5 years of age: there are 7 deaths per 1,000 live births among mothers who completed their secondary education, whereas, in the case of illiterate mothers, the rate rises to 33 deaths per 1,000 live births.

[54] Source: Ministry of Health, *Annual Report 2014–2015*, San Salvador, El Salvador, 2015.

[55] A budget of $18.78 million was allocated in 2011, $14.46 million in 2012 and $12.81 million in 2013. The budget was $15.87 million in 2014, $12.1 million of which were spent on vaccines, and, in 2015, $13.2 million was earmarked to cover the cost of the National Immunization Programme.

[56] These include meningitis caused by tuberculosis, diphtheria, pertussis, tetanus in adults and neonatal tetanus, poliomyelitis, measles, rubella and mumps, mostly in children under the age of 5 years and pregnant women.

**Number of births assisted by qualified staff**

134. There has been a steady increase in the percentage of births among girls and women aged between 10 and 49 years assisted by qualified staff, rising from 97.5 per cent in 2009 to 99.9 per cent in 2014, according to data held by the national health system[57] (see annex 55). Meanwhile, following the reform of the health system, the registration rate of children under 1 year of age increased from 98 per cent in 2009 to 98.4 per cent in 2014. Similarly, the registration rate of children aged 28 days or less increased from 79.9 per cent in 2009 to 88.3 per cent in 2014 (see annex 56).

135. An upward trend has been observed in the provision of specialized care by paediatricians within the national network of health facilities: there were 244,477 more interventions in 2014 than in 2009, an 80 per cent increase.[58] This trend mainly concerns primary care and is accompanied by a gradual reduction in the number of secondary and tertiary interventions carried out, following the consolidation of the new care model.

136. The 2013 Act on Promotion, Protection and Support for Breastfeeding, which sets out measures to promote breastfeeding until the age of 6 months and extended breastfeeding until the age of 2 years, has served to improve the nutrition, growth and comprehensive development of breastfed children.

137. According to the national health survey,[59] breast milk had, on the day before the survey was conducted, been the main source of nutrition for 58 per cent of children aged 6 months or less, and 47 per cent of children aged 6 months or less had been exclusively breastfed. Over the previous two years, only 42 per cent of women had breastfed their newborn within one hour of the child's having been born, while 96 per cent of women had breastfed their most recent live-born child at some time or other. Seventy-four per cent of children aged between 12 and 15 months had been breastfed the previous day.

138. The national network of human milk banks was also established. It is made up of three banks located in the San Salvador Women's Hospital and the two San Juan de Dios Hospitals in the east and the west of the country and, at the community level, of the Comprehensive and Integrated Health-Service Networks, with their 31 collection centres.[60] The follow-up network for premature babies with a birth weight of less than 2 kg was also established. The capacity of staff was built through advanced neonatal resuscitation courses as part of strategies to reduce mortality among premature newborns and newborns with a low birth weight.

139. The Ministry of Health classed 87 health facilities as mother- and child-friendly: these comprise 67 community-based family health units, 11 national hospitals and 9 facilities of the Comprehensive and Integrated Health-Service Networks.[61]

**Comprehensive health care for adolescents**

140. The Ministry of Health has, jointly with international organizations, conducted a number of research projects on adolescent health problems: the 2013 global school health survey;[62] a 2015 study on maternity and marriage among girls and adolescents and the effect on the violation of their rights;[63] the 2009 global survey on tobacco use among 13- to 15-year-olds;[64] and the 2014 national health survey.[65] Measures have also been developed

[57] Source: Ministry of Health, *Annual Report 2014–2015*, p. 175, San Salvador, El Salvador, 2015.

[58] Ibid., p. 74.

[59] Available at https://drive.google.com/open?id=0B61ado8E2V6sLXBfYy02ZlJ6LXc.

[60] Source: Ministry of Health, *Annual Report 2014–2015*, p. 78, San Salvador, El Salvador, 2015.

[61] https://drive.google.com/open?id=0B61ado8E2V6sc2JUdFZGTDVCbDA.

[62] www.salud.gob.sv/archivos/pdf/Encuesta_mundial_salud_escolar_el_salvador2014.pdf.

[63] *Maternidad y unión en niñas y adolescentes consecuencias en la vulneración de sus derechos*. http://w2.salud.gob.sv/novedades/noticias/noticias-ciudadanosas/344-noviembre-2015/3192--17-11-2015-ministra-de-salud-y-representante-del-unfpa-presentan-estudio-maternidad-y-union-en-ninas-y-adolescentes.html.

[64] Global youth tobacco survey, in relation to 13- to 15-year-olds, available at www.codajic.org/sites/www.codajic.org/files/Encuesta%20Mundial%20de%20Tabaquismo.pdf.

and put into effect to ensure the provision of adequate care for adolescents. These address gender-related rights and promote diversity and the inclusion of adolescents in the Comprehensive and Integrated Health-Service Networks in all municipalities in El Salvador, as well as in the Intersectoral Plan for Comprehensive Health Care for Adolescents and Young People 2012–2014.

141. A strategy for introducing adolescent- and youth-friendly services in health centres has been devised and will cover health education, the promotion of sexual and reproductive rights, the prevention of pregnancy, the promotion of contraceptive use, the monitoring of growth and development, specialized care for pregnant teenagers who are victims of violence and the prevention of obesity and addiction.

142. In 2014, the Ministry of Health provided care for 863,972 adolescents nationwide, carrying out 93,501 preventive interventions (10.8 per cent of the total) and 770,471 clinical interventions (89.2 per cent), which represented an increase of 85,835 interventions compared to the 778,137 carried out in 2013. This is evidence of greater access to and increased coverage of health services, made possible by the availability of facilities in health-care networks.[66]

**Teenage pregnancy**

143. The number of teenage births in national-health institutions increased from 24,411 in 2009 to 24,802 in 2014. It was therefore imperative that new teenage mothers should receive the necessary prenatal and inpatient care[67] (see annex 57).

144. The Women's City Programme and the Young Women's City Programme,[68] which are run by the Office of the President, offer specialized services to teenage girls.

145. The Constitution recognizes the biological fact of childbearing with its provision that life, and the consequent right to life, begins from the moment of conception and that legal protection is therefore extended from the moment of conception.

**Sexual and reproductive health education**

146. Pursuant to the National Strategic Multisectoral Plan to Combat HIV/AIDS and Sexually Transmitted Infections 2011–2015,[69] various strategies have been developed to identify vertical mother-to-child transmission. The number of cases of HIV and congenital syphilis recorded in this group shows that there was a 50 per cent reduction in 2014 compared to 2013, owing to two prenatal screening tests designed to detect the virus and to allow the provision of timely antiretroviral treatment. The availability of syphilis testing helps to identify cases ahead of time to prevent complications in newborn children. There has been a decrease in the number of cases of congenital syphilis as a result of this measure. One of the successes recorded over this period is the 66 per cent reduction in cases of vertical mother-to-child HIV transmission, in that, as against the 15 cases detected in 2009, there were only 3 in 2014 (see annex 58).

147. The Ministry of Education has undertaken activities in keeping with the content of the comprehensive sex education provided for in domestic and international legislation, which focuses on human rights, gender, human development and diversity, and with existing curricula at the different levels of education. Texts[70] setting out basic courses for teachers and methodological guides for the updating of curricula have consequently been prepared.

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[65] National health survey, available at http://w2.salud.gob.sv/archivos/comunicaciones/archivos_comunicados2015/pdf/Encuesta_Nacional_de_Salud_ENS-2014.pdf.

[66] Source: Ministry of Health, *Annual Report 2014–2015*, p. 75, San Salvador, El Salvador, 2015.

[67] Ibid., pp. 75 and 191.

[68] www.inclusionsocial.gob.sv/ciudad-mujer-joven/.

[69] http://asp.salud.gob.sv/regulacion/pdf/planes/Plan_Estrategico_Nacional_Multisectorial_de_la_Respuesta_al_VIH_SIDA_e_ITS_2011_2015.pdf.

[70] www.mined.gob.sv/index.php/programas-educativos/educacion-superior/item/7212-educacion-integral-de-la-sexualidad.

148. A book entitled *Curso Básico de Educación Integral de la Sexualidad* (A Basic Course of Comprehensive Sex Education)[71] was used to train 2,444 people — 1,761 women and 683 men — in 760 schools across the country. The newly trained staff went on to work with 31,000 students.

149. A number of challenges have been identified in the national health system. These include introducing an integrated model for the organization and management of services that will ensure quality, providing personalized attention and continuity of care; strengthening a culture of health promotion and disease prevention; undertaking activities to reduce maternal mortality from preventable causes; providing timely access to high-quality medicines and technologies; maintaining the vaccination coverage of the national immunization programme between 90 and 95 per cent; setting up an information system for the intersectoral activities of the National Breastfeeding Committee and the intersectoral technical committee responsible for breastfeeding and the nutrition of young children; and ensuring the specialization and universalization of health services, which would include sexual and reproductive health for priority groups of the population and the reduction of teenage pregnancy.

**Social security and care services and facilities for children and adolescents (arts. 26 and 18 (3))**

150. As at June 2015, the Salvadoran Social Security Institute had provided care for 343,590 children under 12 years of age,[72] 51.45 per cent of whom were boys and 48.55 per cent girls, representing an increase of 54,058, or 15.7 per cent, compared to 2009. These persons have benefited from a total of 5,355,866 medical consultations, in addition to such services as preventive and inpatient treatment and medicine[73] (see annex 59).

151. In 2010, the National Centre for Maternal and Perinatal Training was opened at 1 de Mayo Hospital, with the aim of maintaining high-quality childbirth services and care for newborn children. All staff in the region received training in these two areas.

152. The action required to realize the right of children and adolescents to social security includes carrying out a project to strengthen paediatric services with a view to improving the quality of paediatric inpatient care in various centres nationwide; building a regional paediatric centre; and restructuring the programme-based paediatric care model, with a cross-cutting focus on such issues as mental health and addictions over a person's life.

**Childcare services**

153. The Salvadoran Institute for Comprehensive Child and Adolescent Development administers 15 child welfare centres and subsidizes 191 child development centres over 118 municipalities, contributing to the physical, cognitive and social development of children from birth to the age of 7 years. The average yearly subsidy amounts to $960,000, which is still insufficient to cover the programme in its entirety. For this reason, the Institute has approached the Ministry of Finance with a view to obtaining additional budgetary resources. Free basic care is being gradually introduced in the child development centres. The number of children placed in these centres grew considerably over the period 2009–2013, rising from 6,781 children in 2009 to 7,355 in 2013, which amounts to an 8.5 per cent cumulative increase (see annex 60).[74]

154. As at May 2015, the Institute had assisted 7,522 children aged between 6 months and 7 years nationwide, using the services of 724 mothers working as educators. A total of 22,056 members of family groups had also benefited from these programmes. Children participating in the programmes had received care on 72,124 occasions (see annex 61).

[71] www.mined.gob.sv/sexualidad/EIS%20CURSO%20BASICO%20LIBRO.pdf

[72] This represents 21.2 per cent of the total population that receives care from the Institute.

[73] Source: health statistics system, 2015.

[74] Source: Salvadoran Institute for Comprehensive Child and Adolescent Development, *Accountability Report, 2009–2014*, p. 43, San Salvador, El Salvador, 2014.

**Standard of living (art. 27)**

155. In order to achieve progress in this area, a family farming plan[75] and an agricultural package programme[76] were devised, providing subsistence farmers with certified seed to grow maize, beans, sorghum and rice, and also with fertilizers. Other schemes were also launched, such as a community solidarity programme[77] providing transport grants for children and adolescents living in precarious urban settlements, and additional grants for teenage girls who had dropped out of school owing to pregnancy and for young people with disabilities upon completion of their secondary education. Between 2012 and 2014, the target population consisted of 8,798 girls and female adolescents and 8,069 boys and male adolescents. Other initiatives include the "Glass of Milk" programme, which has been running since 2010,[78] an education grant, a health grant and a programme providing free school uniforms and school supplies.[79] These initiatives lessened the impact of the global crisis and other factors, such as the rising cost of the basic food basket and the impact of climate change, which expose the country's economic vulnerability[80] (see annexes 62–68).

156. The percentage of households in a situation of relative poverty has decreased in both rural and urban areas. In rural areas, the percentage fell from 28.98 per cent in 2009 to 27 per cent in 2014. In urban areas, the percentage dropped from 24.13 per cent in 2009 to 22.8 per cent in 2014. The percentage of households in a situation of either extreme or relative poverty in rural areas decreased from 46.45 per cent in 2009 to 37.9 per cent in 2014 (see annexes 69 and 70).

157. As for basic services, according to the 2014 multiple purpose household survey, 86.7 per cent of households had access to piped water in 2014, compared with 78.7 per cent in 2009. According to the same source, 94.4 per cent of households in urban areas had access to water in 2014, compared with 90 per cent in 2009. In rural areas, 72.6 per cent of households had access to water in 2014, compared with 56.7 per cent in 2009.

158. The action required to ensure a decent life for children and adolescents include expanding the coverage of basic services and social infrastructure in both urban and rural areas; guaranteeing public and environmental security to ensure access to decent housing; enhancing programmes for the total eradication of exclusion and poverty; and making further progress in guaranteeing the rights of priority population groups.

159. While civil society organizations took note, in the course of consultations, of the progress represented by the adoption of the laws and policies referred to in this report, they also pointed to the need to expand care coverage and to define operational indicators, which should include gender and the rights of children and adolescents; to establish an observatory for the rights of children and adolescents; to ensure that companies comply with minimum requirements so as to allow female workers to breastfeed and that they set up child development centres; to modify school infrastructure to remove physical barriers to the integration of persons with physical disabilities; and to train the teachers of students with disabilities. There was also a need to decentralize health services and improve diagnostic services so as to provide children with disabilities living in rural and/or remote areas with access to health care; to provide services according to a rights-based approach, ensuring that they are of high quality and are accompanied by personalized attention; to

[75] http://20092014.secretariatecnica.gob.sv/novedades/documentos.html?download=14%3Aplan-de-agricultura-familiar-resumen.

[76] Available at www.mag.gob.sv/abastecimiento/.

[77] www.fisdl.gob.sv/temas-543/oferta-programatica/sistema-de-proteccion-social-universal/comunidades-solidarias-rurales#.V_V6K50jnIU.
www.fisdl.gob.sv/temas-543/oferta-programatica/sistema-de-proteccion-social-universal/comunidades-solidarias-urbanas#.V_V5yp0jnIU.

[78] Ministry of Education, *Progress Report 2010–2011* and *Progress Report 2014–2015*, San Salvador, El Salvador, 2015.

[79] Source: www.mined.gob.sv/index.php/programas-educativos/paquete-escolar.

[80] Rural areas are the most affected by extreme poverty. According to the 2009 multiple purpose household survey, 17.47 per cent of households were in a situation of extreme poverty, but, by 2014, the rate had fallen to 10.9 per cent. In urban areas, the rate of extreme poverty decreased from 9.2 per cent in 2009 to 5.7 per cent in 2014.

expand education and publicity campaigns on sexual and reproductive health; to give families a clearly defined role in sexual and reproductive health issues; to adopt a law on water to ensure nationwide access to drinking water; to improve solid waste management; and, lastly, to improve environmental education by promoting the rational use of water and the proper use of natural resources.

160. The children and adolescents consulted on these matters recognize the impact of the Medicines Act and the increased number of health programmes. However, they consider that the health-care system lacks a procedure for giving priority to adolescents who arrive for a consultation in their school uniform, even when they are informed, or it is assumed, that the case relates to pregnancy. When adolescents attend consultations for the purpose of obtaining contraception, health personnel do not provide the necessary support. There is therefore a need to train health workers and to make the changes necessary to remove physical barriers. The children and adolescents also suggest that every clinic should have a paediatrician.

## D. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

### Education, vocational training and guidance

161. Progress has been achieved in the wake of various legislative reforms and the development of policies, plans and programmes designed to facilitate the transition to an educational model underpinned by a human rights approach, all of which meet the international commitments assumed under the World Declaration on Education for All: Meeting Basic Learning Needs, and the World Education Forum. These include the reform of the General Education Act, the social and educational plan known as "Let's Go to School"[81] 2009–2014; the National Education Plan to Serve the Nation;[82] the National Policy on Early Childhood Education and Development,[83] the Inclusive Education Policy,[84] the 2014 Infrastructure Policy, which provides a comprehensive construction model that optimizes teaching and learning; the delivery of school kits to low-income families, the provision of support for 3,628 micro and small business providers from all over the country;[85] an integrated system of inclusive full-time education;[86] and the provision of coaching for students who produce outstanding performances in science. Between 2009 and 2014, $4,908,177 in government funding and $2,239,297 from other sources were invested in food and school health programmes[87] and in literacy programmes.[88]

162. The preschool and early childhood education model was developed to guarantee the provision of comprehensive early childhood education and development through institutional and community channels, with the involvement of civil society, families and communities. Under this model, curriculum-related documents were distributed to all teachers in the public and private sectors, to technical staff from the Ministry of Education and to universities that offered teaching qualifications, including a bachelor's or master's degree in preschool and early childhood education. A training plan was designed for educators and teachers working in preschool and early childhood education. Training and

[81] www.mined.gob.sv/index.php/descargas/category/740-plan-social-educativo

[82] Available at www.mined.gob.sv/index.php/noticias/item/7612-plan-nacional-de-educaci%C3%B3n-en-funci%C3%B3n-de-la-naci%C3%B3n

[83] Available at http://publica.gobiernoabierto.gob.sv/institutions/ministerio-de-educacion/information_standards/otros-documentos-normativos?page=7

[84] Available at http://publica.gobiernoabierto.gob.sv/institutions/ministerio-de-educacion/information_standards/otros-documentos-normativos?utf8=%E2%9C%93&q%5Bname_or_description_or_document_category_name_cont%5D=pol%C3%ADtica+de+educaci%C3%B3n+inclusiva

[85] www.mined.gob.sv/index.php/programas-educativos/paquete-escolar

[86] Available at www.mined.gob.sv/index.php/programas-educativos/eitp

[87] www.mined.gob.sv/index.php/programas-sociales/item/5480-programa-de-alimentacion-y-salud-escolar

[88] www.mined.gob.sv/index.php/programas-educativos/programa-de-alfabetizacion

capacity-building were provided for the technical committee responsible for early childhood,[89] which conducted a study on investment in early childhood in El Salvador.

163. Other relevant programmes include the "One Child, One Computer" programme,[90] which helps close gaps in access to technology, in keeping with the principle of equity. At the end of 2015, there were plans to distribute 50,000 laptop computers for use by 84,398 students and 2,738 teachers in 346 schools.[91] Under the on-the-job teacher training plan,[92] 20,290 teachers[93] were receiving training in 2015. In addition, there is the education programme on human rights, values and civic responsibility[94] and the learning assessment programme, under which the learning and aptitude test for secondary school graduates is conducted and which, in addition to measuring traditional knowledge, assesses interpersonal skills, responsibility and commitment and helps identify training needs. Given that the average score has not exceeded 5.30 on a scale of 1 to 10 since 2015, greater efforts will be required to achieve progress in this area.

164. A total of $109,997,772.05 was invested in a programme to improve classroom environments and learning materials for the purpose of improving infrastructure and school settings, while an outlay of $16,786,764.72 was made for furniture and equipment (see annex 71).

**Investment in education**

165. Education has been promoted as one of the most important factors in the country's development, influencing upward mobility and helping to maintain the current level of investment in education. Despite the impediments to the country's fiscal and economic growth, investment increased from 2.9 per cent to 3.5 per cent of the country's gross domestic product between 2009 and 2015, exceeding that of the previous decade. In absolute terms, the approved budget increased from $702 million in 2009 to $917 million in 2015. However, the aim of bringing the budget up to 5 per cent of the country's gross domestic product has not yet been achieved (see annexes 72 and 73).

**Education indicators**

166. In 2015, 1,553,262 students were enrolled in 6,062 schools (85 per cent in the public sector and 15 per cent in the private sector), from the preschool to the secondary level[95] (5,137 State schools and 925 private schools), with 58,085 teachers in 61,600 departments (51,357 of which were regular and 10,243 of which were integrated). In 2014, 90.3 per cent of students were admitted to basic education and 86.5 per cent were admitted to secondary education[96] (see annex 74).

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[89] The technical committee comprises representatives of the Ministry of Education, the Ministry of Health, the Salvadoran Institute for Comprehensive Child and Adolescent Development, UNICEF, the Organization of Ibero-American States for Education, Science and Culture, Save the Children, the National Registry of Natural Persons, the National Council for Children and Adolescents, Plan International, the Community Participation in Education Programme, World Vision, the Intersectoral Association for Economic Development and Social Progress and the Family Support Foundation.

[90] Available at www.gobernacion.gob.sv/?p=3864.

[91] Source: Ministry of Health, *Annual Report 2014–2015*, p. 97, San Salvador, El Salvador, 2015.

[92] Available at www.mined.gob.sv/index.php/programas-educativos/formacion-docente/item/download/25_46e2487934cafd85f7acbf80683680d8.

[93] This group includes 7,436 first- and second-cycle teachers who teach basic subjects, 3,571 third-cycle and secondary teachers, 300 specialist English teachers, 300 specialist preschool and early childhood educators and 300 specialist art, culture, recreation and sports teachers. An additional 8,383 teachers of information and communication technology for pedagogical use contributed to the "One Child, One Computer" programme.

[94] Available at http://publica.gobiernoabierto.gob.sv/institutions/ministerio-de-educacion/information_standards/memorias-de-labores.

[95] www.mined.gob.sv/EstadisticaWeb/boletines/Boletin%20Estad%C3%ADstico%20N%C2%B0%202.pdf.

[96] www.mined.gob.sv/EstadisticaWeb/publicacion/EDUCACION%20EN%20EL%20SALVADOR%20EN%20CIFRAS%202009%20A%202014_11.pdf.

167. In 2015, the literacy programme covered 211 municipalities and provided literacy training for 38,662 young people and adults, thanks to the participation of 12,928 volunteers and an investment of $3.9 million. As a result, 23 municipalities were declared free of illiteracy and the overall illiteracy rate decreased, especially among 10- to 17-year-olds, from 3.2 per cent in 2009 (3.8 per cent for men and 2.5 per cent for women) to 1.7 per cent in 2014 (2 per cent for men and 1.4 per cent for women). The literacy rate among 10- to 17-year-olds has risen from 96.8 per cent in 2009 (96.2 per cent for men and 97.5 per cent for women) to 98.3 per cent in 2014 (98 per cent for men and 98.6 per cent for women) (see annexes 75 and 76).

168. The school dropout rate has varied according to level of education and age group. For example, in 2009 the rate stood at 6.2 per cent in basic education and at 9.7 per cent in secondary education, while in 2014 it stood at 6.4 per cent in basic education and at 8.5 per cent in secondary education (see annex 77). The main causes of school dropout are changes of domicile, irregular migration, crime and child labour, including agricultural and domestic work.

169. One major reason why dropouts occur is that children leave the country. This accounted for 4.2 per cent of dropouts in 2009 and, by 2014, this figure had reached 13.3 per cent. Another factor is crime, which, in 2009, accounted for 6 per cent of dropouts and, by 2014, accounted for 11.5 per cent (see annex 78).

**Enrolment rates for children and adolescents**

170. The net coverage rates have been calculated taking into account the adjustments made to the population projections from 2005 to 2050 with technical support from international organizations. It is for this reason that these rates have varied in recent years.

171. In 2009, the coverage rate by level of education may be broken down as follows: 0.4 per cent for preschool education; 47.5 per cent for early childhood education; 93.9 per cent for the first and second cycles of basic education; 56.6 per cent for the third cycle of basic education; and 32.5 per cent for secondary education. However, in 2014, the coverage rate by level of education stood at 1.4 per cent for preschool education; 58.6 per cent for early childhood education; 86.4 per cent for the first and second cycles of basic education; 64.9 per cent for the third cycle of basic education; and 37.5 per cent for secondary education (see annex 79).

172. The 2014 multiple purpose household survey[97] identified the reasons why children and adolescents aged between 4 and 18 years might not attend school.

**School attendance**

173. There was a clear increase in the attendance rate.[98] Whereas, in 2009, it had stood at 50.2 per cent in early childhood education, 88.3 per cent in basic education and 33.5 per cent in upper secondary education, by 2014 it stood at 61.1 per cent in early childhood education, 89.7 per cent in basic education and 37.9 in upper secondary education. The disparity in the attendance rate is linked to area of residence, as the largest student population at all levels of education is located in urban areas (see annexes 80–84).

174. In 2014, 52.3 per cent of students who had reached the end of their secondary education opted for vocational training, compared with 47.7 per cent who chose the general studies option, a trend that had been evident since 2009 (see annex 85).

175. The gender parity index, which has been calculated on the basis of the net enrolment rate, shows that the gap continues to favour females at the different levels of education. Whereas, in 2009, the gender parity rating was 1.00 in preschool education, 1.03 in early childhood education, 1.00 in basic education and 1.10 in secondary education, in 2014 the comparable figures were 1.00 in preschool education, 1.04 in early childhood education,

[97] www.digestyc.gob.sv/index.php/temas/des/ehpm/publicaciones-ehpm.html.

[98] School attendance rates for each level of education are calculated each year on the basis of the multiple purpose household survey and are similar to the estimated net coverage rates of the Ministry of Education.

1.01 in basic education and 1.12 in secondary education. Thus, although gender parity has been maintained in preschool education, there has been a slight increase at the other levels, indicating that, for every 100 boys, there were 104, 101 and 112 girls, respectively, at the other levels in 2014 (see annex 86).

176. The State has endeavoured to find new ways to diversify the range of services available in specific areas in response to development needs. To this end, bachelor's degrees in electrical engineering, electrical systems, agriculture, agribusiness, meat and dairy, software development, technological infrastructure and computer services were introduced in 2013.

#### Average length of schooling

177. The national average length of schooling was 6 years in 2009, increasing to 6.7 in 2014. Disaggregated by sex, the national average was 6.8 years for men and 6.6 years for women and, disaggregated by area, 4.9 in rural areas and 7.8 in urban areas (see annex 87).

#### Completion rate

178. The completion rates are indicative of a high level of retention and a low rate of school dropouts. Whereas, in 2009, the completion rate was 9 in the second, third and fourth grades, and 8 in the fifth and sixth grades, the comparable figures in 2013 were 9 in the second grade, 8 in the third, fourth and fifth grades and 7 in the sixth grade (see annex 88).

#### Children and adolescents who dropped out of basic or secondary education

#### Aims of education (art. 29)

179. The Child and Adolescent Protection Act provides that education must be comprehensive and geared towards the full development of a child's personality, mental and physical skills and abilities, and that the State must ensure the availability of comprehensive, high-quality and progressive education in conditions of, inter alia, equality and equity (art. 86). Teachers, students and others must also be taught the value of discipline and respect. Abuse, ill-treatment and any form of cruel or degrading punishment are prohibited. The curriculum covers cross-cutting themes such as human rights, the environment, the community, equal opportunity, health, consumerism and values.

#### Rest, leisure and cultural and artistic activities (art. 31)

180. In 2009, the internal regulations governing the Executive were amended,[99] transforming the National Council for Culture and the Arts to become the Secretariat for Culture of the Office of the President and promoting a cultural change that would trigger social processes conducive to generating creativity and knowledge, which are the bedrock of a society characterized by opportunity, equity and non-violence. The approved budget for the Secretariat for Culture for the period 2009–2015 was $114,163,413 (see annex 89).

181. The Secretariat for Culture launched initiatives and programmes, such as "Homes for Reading", under which it set up 124 mini-libraries, opened eight public libraries, established a national library network and provided a mobile library and a special area for children within the National Library to grant them easier access to reading materials. The former presidential residence was reclaimed and transformed into the cultural development centre of San Salvador. The refurbishment of the children's amusement park, which was made possible by an investment of $21,997, generated an income of $10,318 in 2009 and $25,844 in 2015, thanks to the patronage of children under 12 years of age (see annex 90).[100] Furthermore, a network of choirs and orchestras, which provide children with a chance to develop fully — musically, personally, spiritually and otherwise — has been

[99] Published in *Diario Oficial* No. 117, vol. 383 of 25 June 2009. Available at www.diariooficial.gob.sv/diarios/do-2009/06-junio/25-06-2009.pdf.

[100] Secretariat for Culture of the Office of the President, *Accountability Report 2012–2013*, p. 25, 2013.

established. In 2015, 305 children sang in choirs, which took part in 5,416 events. There are also 157 houses of culture located throughout the country.

182. Moreover, between 2009 and 2014, the National Sports Institute invested around $2.5 million in the upgrading of 41 sports facilities. These have been made into inclusive spaces that serve to promote social integration and prevent violence.[101] The Institute has also invested $350,000 in the construction of an inclusive sports city,[102] which will be accessible to all.

183. Over the 2014–2015 period, the Ministry of Education rolled out a recreation, sport, art and culture programme,[103] under which 2,374 schools undertook initiatives in the areas of art, culture, recreation and sports, while 94 schools belonging to the integrated system of full-time schools were allocated funding. In addition, 740,400 students were involved in art, culture, recreation and sports programmes and 117,250 students from 2,468 schools participated in student games. Furthermore, 20,523 students from 268 schools visited museums and 350 children and adolescents of indigenous descent have become involved in an educational initiative to revitalize the Nahuatl culture and language, made possible by an investment of $663,678.55 from government funds and loans.

184. Following consultations with children and adolescents, it was noted that progress had been made in recruiting good, dedicated teachers and that, generally speaking, school infrastructure had improved. As for the area of leisure, the National Institute for Youth, the National Sports Institute, municipal authorities and education centres promote many artistic, sporting and cultural activities.

185. On the other hand, a number of areas for improvement were identified. These include the need to update the teaching methodology and the importance of training teachers and familiarizing them with the Child and Adolescent Protection Act, given the persistence of ill-treatment in schools. In rural areas, there are centres in need of infrastructural improvements and technological equipment. More spaces should likewise be fitted out for leisure activities and more cultural and sports programmes should be extended to the entire population. Widespread violence is seen as an obstacle to the full enjoyment of recreational and cultural activities and as a cause of school dropouts.

186. Civil society organizations take note of the increase in the budget for education and of the initiatives to promote respect for human rights, such as the National Policy on Early Childhood Education and Development and the changes effected within the Ministry of Education for its implementation. They also welcome the State's recognition of indigenous peoples.

187. Action that remains to be taken is to allocate resources for the implementation of the Early Childhood Policy and to ensure that the issue features on municipal agendas. It is suggested that budgetary allocations and coverage be increased to facilitate the establishment of free care centres across the country; that inter-institutional coordination to promote early childhood education be enhanced; that the relevant methodologies be updated; and that existing learning materials be disseminated to schools nationwide.

[101] National Sports Institute, *Accountability Report 2012–2013*, pp. 10–13, 2013.

[102] Press release available at www.coparesa.org/quienes-somos/ciudad-deportiva-inclusiva/.

[103] Source: www.mined.gob.sv/index.php/descargas/send/896-memorias/6244-memoria-de-labores-2014–2015.

# III. Special protection measures (arts. 22, 30, 32–36, 37 (b)–(d) and 38–40)

## A. Asylum, migration and armed conflict

### Children and adolescents in states of emergency or exception

### Children and adolescents affected by migration

188. Work on a draft bill on migration to replace the 1958 Migration and Foreign Citizens Act resumed in 2011. Civil society and public institutions were involved in the work.

189. The Memorandum of Understanding on decent, orderly, prompt and safe repatriation in the countries of the Northern Triangle (Honduras, Guatemala and El Salvador) was signed in 2009.[104] Additional consular services were provided in Mexico and the United States of America. A joint approach to the protection of unaccompanied minors migrating to the United States was adopted by El Salvador, Guatemala and Honduras. In addition, the Office of the President and the Ministry of Foreign Affairs made efforts at the international level to encourage humane treatment and family reunification.

190. The actions that have been taken to raise awareness of the risks of irregular emigration include the communication campaign "Don't Risk Their Lives" (2014) and the organization by the Directorate General for Migration and Alien Affairs of courses and workshops on migrant children and adolescents, the Child and Adolescent Protection Act and human rights for the benefit of the National Civil Police, members of the Armed Forces and the Directorate General's immigration agents (see annex 91). In addition, 1,600 members of families and communities took part in meetings on the dangers facing children and adolescents en route to the United States and, since 2010, the Corporation of Municipalities of El Salvador has provided information on the Special Act on the Protection and Advancement of Salvadoran Migrants and Their Families to 14 Departmental Councils of Municipalities, thus encouraging local authorities to include in their agendas the reintegration of persons deported or returned to their places of origin.

191. The municipalities provide documentation for persons who are compelled to emigrate by the effects of violence, with a view to contributing to their resettlement or regularization in other countries, and, in the period 2009–2015, the Migration Assistance Department of the National Civil Police provided security services for 16,140 children and adolescents.[105]

192. A coordination bureau set up in 2014 for the protection and care of migrant children and adolescents adopted a road map for the care and protection of accompanied minors and minors not accompanied by or separated from their families who are returning from abroad. The road map facilitated the implementation of the protocol on managing the return of migrants (see annex 92). The bureau also developed a protocol, currently under review and pending adoption, for the protection and care of migrant children and adolescents.

193. At the local level, the Salvadoran Institute for Comprehensive Child and Adolescent Development operates care centres for children, adolescents and families in San Miguel and Usulután that provide orientation programmes for families affected by migration. A report on the situation of accompanied or unaccompanied child and adolescent Salvadoran migrants was published in 2014.[106]

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[104] Available at www.crmsv.org/Publicaciones/docs/Matrices/MATRICES%20CRM%20TRATA%20TRAFICO10/TRATADOS/Arandum%20al% 20memorandum.pdf.

[105] Source: National Civil Police, 2015.

[106] Available at www.conna.gob.sv/wp-content/uploads/2016/06/Informe-situacion-nna-migrantes-vf-29julio_6.pdf.

**Refugee children and adolescents (art. 22)**

194. The Child and Adolescent Protection Act (art. 49) states that children and adolescents who have refugee status or have been given asylum in El Salvador are entitled to protection and legal and humanitarian assistance, as are their mother, father or the persons responsible for their care.

195. In 2010, 2014 and 2015, the Commission for the Determination of Refugee Status approved a total of 11 applications from children and adolescents from Honduras, Mexico and the Syrian Arab Republic (see annex 92).

196. In view of the current situation, and to improve the comprehensive support provided in asylum cases, follow-up to protection measures will be improved. A protocol on the procedures and competencies of the Commission and an information manual for refugees and persons seeking refugee status will also be produced. In addition, amendments to the Refugee Status Determination Act will be put forward and venues will be made suitable for refugee families.

**Armed conflict (arts. 38 and 39)**

197. With regard to the recommendation made in paragraph 75 of the Committee's concluding observations, it is important to note that, while the armed conflict ended with the Peace Accords in 1992, there are still areas in which progress can be made. The Constitution (art. 215) states that military service is compulsory for all Salvadoran men between the ages of 18 and 30 years, with the proviso that, where necessary, all Salvadoran men fit for service will serve in the military. Article 6 of the Armed Forces (Military and Reserves Service) Act states that persons over 16 years of age may apply to the Directorate General of Recruitment and Reserves or its subsidiary offices to join the Armed Forces on a voluntary basis. Under no circumstances, therefore, can minors be forcibly recruited, and no one aged 15 years or younger may serve voluntarily.

198. As El Salvador has ratified the Rome Statute of the International Criminal Court, it will have to make adjustments in connection with the recruitment of minors for service in armed conflict.[107] Consideration will be given to the explicit abolition by law of the recruitment of children and adolescents and the voluntary recruitment of 16- and 17-year-olds.

## B. Adolescents in conflict with the law and child and adolescent victims and witnesses

**Criminal responsibility of adolescents**

**Administration of justice (art. 40)**

199. In the period 2011–2013, the National Civil Police detained 16,834 minors between the ages of 12 and 17 years on the grounds of their probable involvement in criminal offences. However, the number of minors detained over that period fell steadily, from 7,116 in 2011 to 4,549 in 2013. The number of adolescents in detention was therefore reduced (see annexes 93 and 94).

200. Physical spaces and holding cells were renovated and modernized to provide proper accommodation for adolescents in pretrial detention, who also receive health services, legal aid and food.

201. Under the Child and Adolescent Protection Act, children under the age of 12 years who are suspected of involvement in the commission of an offence are referred to a protection board, which takes the administrative and protective measures necessary to safeguard their rights.

[107] Ratification of the Rome Statute published in *Diario Oficial*, No. 236, vol. 409 of 22 December 2015. Available at www.diariooficial.gob.sv/diarios/do-2015/12-diciembre/22-12-2015.pdf.

202. According to figures from the Attorney General's Office, 49,501 minors between the ages of 12 and 17 years were charged over the period from June 2009 to June 2015. A further 111 children were found to be exempt from criminal responsibility. The figures show that the majority of those charged are male, although in recent years the numbers have fallen (see annex 95).

203. The five offences most commonly attributed to adolescents in the period 2009–2015 were membership of a criminal organization, resisting arrest, threats, bodily harm and robbery. Membership of criminal organizations accounts for one in every five offences.

**Adolescents deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings**

204. The Salvadoran Institute for Comprehensive Child and Adolescent Development runs a programme to provide support for adolescents in non-custodial facilities. The programme seeks to ensure that adolescents take advantage of its support components in order to comply with the decisions made by the juvenile courts on such matters as measures relating to access to formal and informal education, psychological, social and family support, legal aid and the development of life skills. As part of another support programme, adolescents exercise their rights while, by court order, they are serving sentences in social rehabilitation centres. There is also a programme of support for adolescents who are in pretrial detention (see annex 96). From 2010 to 2013, as part of the Framework Programme for Comprehensive Support for Adolescents Subject to Juvenile Criminal Responsibility, 6,205 young people engaged in educational activities, as shown in follow-up reports submitted to judges. Sixty-six per cent (4,068) of those young people served their sentences by taking part in those activities, while 10 per cent (592) did so by participating in an alternative.

205. The social environment to which adolescents return still poses problems, however, inasmuch as the general public, businesses and communities are not very welcoming.

**Sentencing of adolescents, with particular reference to capital punishment and life imprisonment (art. 37 (a))**

206. Between 2012 and 2014, the juvenile courts imposed 8,603 sentences (90 per cent of which concerned males), of which only 26.7 per cent involved custodial measures, in line with the juvenile courts' mandate to use deprivation of liberty as a last resort. The Juvenile Criminal Justice Act does not provide for capital punishment or life imprisonment, and the longest custodial sentence that can be imposed on an adolescent is 15 years (see annex 97).

**Protection of child and adolescent victims and witnesses of crime**

207. The legal framework for the protection of child and adolescent victims and witnesses of crime has been brought into line with the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

208. If there is a risk to the life or safety of a child or adolescent as a result of his or her involvement in the investigation of an offence or in judicial proceedings, questioning is simple and clear, safeguarding the child or adolescent's psychological integrity. If necessary, questioning is conducted by electronic means or with the help of Gesell chambers and under the guarantee of confidentiality stipulated in article 53 of the Child and Adolescent Protection Act. Protection orders may also be issued and carried out as part of the Victim and Witness Protection Programme, which provides for psychosocial support, help with a child's readjustment and return to school and guidance for parents and/or guardians. The Programme is run by the Coordinating Commission of the Justice Sector, which, together with the National Civil Police, helped 35 child and adolescent victims and witnesses and 96 members of their families, a total of 131 persons, between June 2009 and September 2015 (see annexes 98 and 99).

209. A victim support department, which provided 97 children and adolescents with services between 2011 and 2015, was set up at the Ministry of Justice and Public Security in 2011 (see annex 100). The department has a general protocol on victim support and a protocol for the care of child victims of sexual abuse. It is staffed by specialists in a number

of relevant disciplines and has a call centre that provides victims of violence with assistance and advice.

210. As regards criminal investigations, the Attorney General's Office uses various forms of protection, such as psychological care, in order to avoid revictimization in sexual abuse cases. Measures are also taken to ensure the safety of migrants, including resettlement, the award of refugee status and diplomatic and consular representation. In 2015, the Office of the Human Rights Advocate launched an audiovisual campaign to prevent sexual abuse, entitled "I'm with You! Let's Talk about Sexual Abuse!".

211. Action that still remains to be taken is the introduction and implementation of the Programme of Humanitarian Relief for Victims of Criminal Violence. The Programme, which involves a population study and the formulation of a support road map, is being developed, with a budget of its own, by the Salvadoran Institute for the Advancement of Women, the National Youth Institute, the Office of the Human Rights Advocate and the National Council for Children and Adolescents.

#### Physical and psychological recovery and social reintegration (art. 39)

212. Cases of children and adolescents who are victims of or witnesses to a crime are referred to the protection boards, which may issue administrative measures of protection (Child and Adolescent Protection Act, art. 120), in accordance with the particulars of each case. Those cases are also dealt with within the framework of the programmes that make up the Shared Care Network or are operated by public institutions. In the period 2012–2015, 27,476 administrative measures were issued (see annex 101).

## C. Children and adolescents subjected to exploitation and measures to promote their physical and psychological recovery and social reintegration

#### Economic exploitation, including child labour (art. 32)

213. Reports of rights violations or threats are submitted to the protection boards, which can order the termination of employment, to the Ministry of Labour and Social Security, which monitors working conditions, or to the relevant courts, in accordance with articles 59 to 71 of the Child and Adolescent Protection Act.

214. According to the multipurpose household survey, 158,848 children and adolescents, aged between 5 and 17 years, were engaged in child labour in 2009, a number that fell to 126,571 in 2014. Child labour is a predominantly male, rural phenomenon present in such sectors of the economy as agriculture and trade (see annexes 102–104).

215. In 2011 and 2012, the Ministry, in implementation of the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182), imposed fines on fireworks businesses. The number of work permits issued to adolescents has been falling. In 2009, for instance, 1,620 such permits were issued, out of a total of 5,435 applications, as opposed to only 458 (out of 3,609 applications) in 2014. The main reason for the rejection of an application was the applicant's failure to attend an educational establishment (see annexes 105 and 106).

216. Between 2013 and 2015, the protection boards received 150 reports of child labour, including some relating to informal trade and forced begging (see annex 107).

217. In 2011, the Ministry, together with international organizations and civil society, published a list of hazardous activities for which children and adolescents cannot be employed,[108] and in 2009 a road map on making El Salvador free from child labour, including its worst forms, was produced. The road map constitutes a strategic framework for the achievement of the goals set forth in Decent Work in the Americas: An agenda for

[108] Ministerial agreement No. 241 of the Ministry of Labour and Social Welfare, published in *Diario Oficial*, No. 149, vol. 392 of 15 August 2011. Available at www.diariooficial.gob.sv/diarios/do-2011/08-agosto/15-08-2011.pdf.

the Hemisphere, 2006–2015 and provides the basis for strategic programming linking the various public policies.[109] The Information System for Monitoring and Evaluating Child Labour,[110] a software tool providing national information and indicators relating to child labour, including its worst forms, was developed and launched in 2013. Publicity was given to the inter-agency protocol on the prevention of child labour and the removal of children and adolescents from settings in which they engage in it, which defines the scope of action in this regard of both the Ministry of Labour and Social Security and the protection boards. Under that protocol, 201 protection measures were issued and 13 emergency placements were made (see annexes 108 and 109).

218. The Directorate General of Statistics and Censuses, taking into consideration Resolution II (Resolution concerning statistics of child labour), adopted by ILO on 5 December 2008, incorporated a module for the measurement of labour among children and adolescents aged 5 to 17 years. The module contained three categories: employment below the minimum age, hazardous work and the worst forms of child labour.

219. ILO developed a project, which was in place from 2010 to 2014, on the eradication of child labour in El Salvador through economic empowerment and social inclusion.[111] The project involved building the capacity of governmental institutions in areas related to planning, national policy and institutional frameworks and work with selected municipalities and schools, children's homes and working adolescents.

220. In 2013, the Salvadoran Institute for Comprehensive Child and Adolescent Development conducted workshops in 43 municipalities for 148 entities and 270 people, carried out a number of studies[112] as part of efforts to ensure compliance with the road map and taught 99,078 children and adolescents about sexual exploitation and abuse, trafficking in persons, child abuse and child labour. In addition, 1,799 volunteers shared their knowledge with another 5,960 adolescents and a special course was held on preventing child labour, which drew 98 participants from civil society and persons working with or for the National System for the Comprehensive Protection of Children and Adolescents.

221. Figures from the Ministry of Education show that the number of children and adolescents who are both studying and working – most of them engaged in agricultural work, street sales, paid domestic work and other forms of employment (see annex 110) – fell from 132,823 in 2009 to 87,350 in 2014.

222. Among the main challenges in respect of eradicating child labour, including its worst forms, are to: (a) ensure that protection measures, the training of personnel and awareness-raising are more effective; (b) increase social investments to sustain and expand the social programmes benefiting the most socially vulnerable population groups; (c) improve educational services and, in addition to keeping students in school, ensure opportunities for comprehensive development; and (d) promote equity and social inclusion, which help prevent child labour.

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[109] The initiatives provided for by the road map on making El Salvador free from child labour, including its worst forms, are undertaken by the National Committee on the Elimination of the Worst Forms of Child Labour. The road map is available at www.mtps.gob.sv/wp-content/uploads/descargas/DRIT/ManualesInstructivos/hoja-ruta-critica-el-salvador-libre-trabajo-infantil.pdf.

[110] Available at www.trabajoinfantil.gob.sv/simeti/Default.aspx?TipoDoc=15.

[111] A newspaper article on the project is available at www.laprensagrafica.com/oit-apoyara-a-75-escuelas-para-evitar-el-trabajo-infantil.

[112] The titles of some of the studies are: *Análisis sobre la situación de trabajo infantil. Resultados de la Línea de Base para el municipio de Juayúa* (Analysis of the phenomenon of child labour: Baseline results for the municipality of Juayúa); *Análisis sobre la situación de trabajo infantil* (Analysis of the phenomenon of child labour); *Investigaciones sobre la situación del trabajo infantil en los municipios de Jiquilisco y Apastepeque* (Child labour in the municipalities of Jiquilisco and Apastepeque: An investigation); *Investigaciones interinstitucionales sobre trabajo infantil: Dos líneas de base sobre situación del trabajo infantil en los municipios de Ilobasco y Aguilares* (Inter-agency study of child labour: Two baselines on child labour in the municipalities of Ilobasco and Aguilares), and *Apoyo en el Estudio sobre Trabajo infantil en el sector turismo en el municipio de San Luis la Herradura* (Support for the study of child labour in the tourism sector in the municipality of San Luis la Herradura).

**Protection from illicit use of narcotic drugs and psychotropic substances (art. 33)**

223. The Ministry of Justice and Public Security has organized outreach campaigns to prevent the abuse of alcohol and other drugs in schools and government institutions.[113] Jointly with the Salvadoran Institute for Comprehensive Child and Adolescent Development, it developed a course on drug problems among adolescents, including guidelines on identifying and responding to such problems immediately. It also formulated the National Anti-Drug Strategy 2011–2015.[114]

224. As a result of the implementation of a strategic prevention plan for the comprehensive care of persons addicted to psychoactive substances,[115] 46 persons, including 11 public institutions and 6 non-governmental organizations, were certified as counsellors providing basic care to persons with problems associated with drug use. Since 2012, the National Anti-Drug Commission has certified 227 such counsellors.

225. The Salvadoran Institute for Comprehensive Child and Adolescent Development formulated a plan of support for drug-using or addicted adolescents. In 2012, it inaugurated the National Child and Adolescent Integration Centre with a grant from the European Union, provided through the National Youth Institute, of $250,000, and in 2013 it launched a plan of support for adolescents aged between 12 and 18 years who have been given clinical diagnoses indicating that they are abusers of or addicted to psychoactive substances. Efforts were made to improve the mental health of adolescents by improving communication among family members and strengthening the emotional and social ties that make it possible to create settings and ways of life free from drug use.

226. A total of 100 adolescents, of whom 46 have graduated and 54 are still participating, entered the Overcoming Addiction Programme (2014–2015). In addition, 96 medical technicians have received training in topics related to drug addiction, so that they can identify cases of children or adolescents with addiction problems and refer them to the National Child and Adolescent Integration Centre.

227. In accordance with the Drug-related Activities Regulation Act, which designates the Ministry of Education as the institution responsible for the design, implementation and oversight of programmes aimed at preventing illegal drug use, the Ministry launched the "Education for Life" programme at high-risk educational establishments to help students develop plans for their lives.

228. The Ministry of Justice and Public Security reports the seizure, in the period 2009–2013, of drugs with a value of $46,030,781.93 (see annex 111). There were also 9,627 arrests for drug-related activity (trafficking, possession, growing and conspiracy) and 158 drug-trafficking networks and gangs were broken up; 480 of their members were arrested. In addition, counter-narcotics operations led to the seizure of $267,946.42 in cash and 67,713.68 kg of chemical precursors.

**Child victims of trafficking and sexual exploitation (arts. 35 and 36)**

229. Under the Special Trafficking in Persons Act, the penalty for aggravated forms of trafficking has been increased to 25 years' imprisonment; payment for drugs has been penalized, with the buyer being considered an offender; new forms of trafficking have been addressed; a fund for victim care has been set up; and efforts have been made to work appropriately with victims during criminal proceedings. The Act is in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking in Persons Protocol). The Act also provides for the establishment of the National Council on Trafficking in Persons (art. 7) and of special units to combat trafficking in persons and related offences at the Attorney General's Office and the

[113] The Ministry is responsible for planning, coordinating, monitoring and evaluating government plans, strategies and policies aimed at preventing and combating the trafficking, sale and illicit consumption of drugs. It is also involved in efforts to rehabilitate persons addicted to drugs.

[114] Available at www.seguridad.gob.sv/observatorio/pnad/ENA%202011-2015.pdf.

[115] Available at http://asp.salud.gob.sv/regulacion/pdf/planes/plan_estrategico_sustancias_psicoactivas.pdf.

headquarters of the National Civil Police (arts. 11 and 12). The police recorded 375 cases of trafficking in persons between 2009 and 2014 (see annex 112).

230. The Attorney General's Office dealt with the cases of 163 trafficking victims between 2009 and 2014 (see annex 113). The new legislation made it possible to identify and investigate more cases.

231. The National Policy on Trafficking in Persons was adopted in 2012 and brought up to date in 2015, informed by the concept of comprehensive protection. The Act's special implementing regulations and the inter-agency protocol for attending to victims of trafficking in persons were also drafted.

232. Other developments included the establishment of a frame of reference for the comprehensive protection of children and adolescents at school (2012);[116] the adoption of a protocol for action to address sexual violence in educational communities in El Salvador (Ministry of Education, 2014);[117] the production of technical guidelines for comprehensive care in response to all forms of violence (2012);[118] and the adoption of the Ministry of Health's 2011 standards for comprehensive, integrated treatment in response to all forms of violence,[119] in which explicit mention is made of commitments to the Child and Adolescent Protection Act and the Special Comprehensive Act on a Violence-Free Life for Women. Mention should also be made of the Ministry of Health's Inter-Agency Plan for the Prevention and Treatment of All Forms of Violence throughout the Life Cycle (2011)[120] and a handbook for immigration officers on the detection and prompt treatment of victims of trafficking in persons (Directorate General for Migration and Alien Affairs, 2013).

233. In 2013 and 2014, the Attorney General's Office, with the support of 12 specialist prosecutors, a psychologist and an appropriate structure, provided assistance for 83 child and adolescent victims of sexual exploitation (see annex 114). The Office coordinates action to ensure a proactive investigation that makes it possible to break up networks of human traffickers and smugglers, prosecute their members and take measures to protect victims and witnesses.

234. The National Civil Police participate in the Specialized Technical Subcommission on Trafficking in Persons of the Commission of Police Chiefs of Central America, Mexico, the Caribbean and Colombia. The Salvadoran police took part in eight regional operations mounted to combat trafficking in persons, including Operation Esperanza in 2014, which resulted in the arrest of 234 persons, 16 of them for the crime of trafficking in persons and 218 for related offences involving children and adolescents. In addition, 66 victims were rescued: 6 victims of trafficking in persons, 16 persons at risk of becoming victims and the rest victims of related offences.

235. Two campaigns to encourage reporting of trafficking, grouped under the motto "Life's Byways", were conducted between 2011 and 2013. As part of the Police Community of the Americas (AMERIPOL), the National Civil Police joined the campaign for the prevention of trafficking in persons in 2014. Child-friendly material was produced, and preventive education programmes, put in place in 3,216 State schools, reached 156,048 boys and 211,308 girls.

236. A certificate course on the investigation of sexual slavery, trafficking in persons and sexual and related offences was taken by 55 justice officials, while 177 police officers attended a total of five workshops on the action to be taken by the police for the immediate

[116] Available at www.pgr.gob.sv/documentos/PROTOCOLO%20DE%20ACTUACION%20version%20imprenta.pdf.

[117] Available at http://asp.salud.gob.sv/regulacion/pdf/planes/plan_intersectorial_violencia_en_todas_sus_formas.pdf.

[118] Available at www.mined.gob.sv/sexualidad/SISTEMA%20DE%20REFERENCIA.pdf.

[119] Available at http://asp.salud.gob.sv/regulacion/pdf/lineamientos/lineamientos_atencion_todas_formas_violencia.pdf.

[120] *Diario Oficial*, No. 184, vol. 393 of 4 October 2011. Available at www.imprentanacional.gob.sv/index.php/servicios/en-linea/ciudadano/archivo-digital-del-diario-oficial.

assistance of trafficking victims. Training was provided for 306 people from a range of government institutions, including judicial institutions, and civil society organizations. Between 2013 and 2015, 860 people received training on the subject of trafficking in persons in certificate courses and other specialized courses given with the cooperation of the International Law Enforcement Academy, United States Immigration and Customs Enforcement, the United States Federal Bureau of Investigation, the European Union and the Central American Integration System, which is part of the Central American Security Strategy.

237. The Salvadoran Institute for the Advancement of Women launched the national campaign "Trafficking in Women Is a Crime — Let's Speak Out" (2013) and at the national level efforts were made to encourage the public to report the crime. Helplines were therefore set up at the Institute, the number 911 could be used to report any kind of emergency to the National Civil Police and children and adolescents could reach the Salvadoran Institute for Comprehensive Child and Adolescent Development by calling 134, the Institute's "Tell Me about My Rights" line.

238. A regional shelter for trafficking victims has been providing health services, psychological care, food, clothing and personalized legal aid to girls and adolescents since 2009. In the period 2010–2014, it provided assistance for 106 children and adolescents (see annex 115) and between 2009 and 2014 it gave 1,799 adolescent volunteers training on the prevention of trafficking.[121] The volunteer outreach workers then provided instruction to 5,960 children and adolescents from schools in particularly marginalized areas of the country's three regions. The programme "Change Your Life", in which 25 adolescent survivors of sexual violence are provided with educational support, including tutoring, technical and vocational training and life-skills instruction, psychosocial care, family support, health assistance, help with building self-esteem and access to job placement services, has been in place since 2013. Out of the 25 adolescent girls enrolled, 23 have completed the programme. In 2014, equipment was donated for a computer centre at the San Vicente de Paúl children's home, where the programme is based.

**Youth gangs**

239. Gang violence has been taking new forms that involve putting pressure on children and adolescents or victimizing them. A more holistic long-term approach led to the adoption of the National Policy on Justice, Public Safety and Coexistence 2009–2014,[122] later updated for the period 2014–2019,[123] which focuses on five main areas: crime control, social prevention of violence and crime, enforcement of court orders and penalties, including rehabilitation and social reintegration, victim support and institutional and legal reform.

240. The Office for the Prevention of Violence was consequently set up[124] in 2012 and the National Strategy for the Prevention of Violence,[125] which was an updating of the National Strategy for the Social Prevention of Violence to Provide Assistance to Municipalities (2009–2010), was adopted in 2013.

241. The National Council for Citizen Security and Coexistence,[126] which seeks to promote dialogue and consensus-building around public policies relating to justice, citizen security and coexistence through dialogue and sustainable national agreements at the local, regional and national levels, was established in 2014.

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[121] A handbook of play-based methods for the prevention of trafficking in persons was used to that end.

[122] Available at www.aecid.org.sv/wp-content/uploads/2014/01/Poli%C2%B4tica-Nacional-de-Justicia21.pdf?5b637b

[123] Newspaper article available at www.presidencia.gob.sv/presentacion-de-politica-nacional-de-justicia-seguridad-y-convivencia-2014-2019-2/.

[124] Establishment of the Office for the Prevention of Violence, published in *Diario Oficial* No. 167, vol. 396 of 10 April 2012. Available at www.diariooficial.gob.sv/diarios/do-2012/09-septiembre/10-09-2012.pdf.

[125] Available at www.conna.gob.sv/?wpdmpro=estrategia-nacional-de-prevencion-de-la-violencia.

[126] Newspaper article available at www.presidencia.gob.sv/gobierno-presenta-al-consejo-nacional-de-seguridad-ciudadana-y-convivencia/.

242. The Safe El Salvador Plan (2014)[127] emerged from the work of the Council. Of the resources allocated, 74 per cent are spent on prevention and 52 per cent on employment and education. These resources come from funds additional to the national budget, including loans from the Inter-American Development Bank, the Central American Bank for Economic Integration, Italy, Germany, private contributions, international assistance and other sources. The main goals have been established, along with specific reintegration initiatives, such as the "I'm Changing" programme, which is being implemented in 13 prison facilities. The programme, which is aimed at the reintegration of the prison population, is supported by a number of private companies and non-governmental organizations.

243. Under the previous frameworks, the National Civil Police offered educational activities in communities and schools through a number of programmes, including the Safe Halls Programme,[128] the School Safety Groups Programme and a programme to ensure protection through values fostered by athletic activity. These programmes reached 598,190 children and adolescents in the period 2012–2015 (see annex 116).

244. It should be noted that 118 Municipal Councils for the Prevention of Violence are operating and that 64 of them have received assessments that include information from the National Civil Police, the Ministry of Health, educational centres and other sources. The majority of them make intersectoral proposals on prevention. Half of the municipalities given priority by the National Council for Citizen Security and Coexistence have set up municipal centres for addressing violence.

245. The Social Investment Fund for Local Development, which was operational from 2009 to 2015, invested in sports fields and complexes, lighting and fences. As part of the "Get Along" project, 150 adolescents at high social risk were provided with services including life-skills training and help with returning to the school system.

246. The Salvadoran Institute for Child and Adolescent Development has launched nine initiatives aimed at helping gang members develop abilities and skills and thus contributing to their rehabilitation and reintegration. It administers four social rehabilitation centres, including the El Espino, Sendero de Libertad and Tonacatepeque centres and a centre for girls.

247. In October 2015, the Government submitted a bill on a prevention, rehabilitation and reintegration programme for gang members. Meanwhile, a prevention and life-skills development programme targeting children and adolescents who are at risk or whose rights are under threat and their families has been further developed. A pilot programme, which reached 89 adolescents, was launched at the City of Children Centre in 2013. In 2015, it was renamed the City of Children and Adolescents Programme[129] and now has the capacity to cater for 10,000 children and adolescents a year from at-risk communities.

## D. Children and adolescents belonging to minority or indigenous groups

248. Equality is a guiding principle of the Child and Adolescent Protection Act and the National Policy on Comprehensive Protection for Children and Adolescents. The Policy's strategies and lines of action include expanding the coverage of programmes that promote the values of solidarity, tolerance and cultural identity.

249. Another step forward was the amendment to article 63 of the Constitution,[130] which states that El Salvador recognizes the indigenous peoples and their identity and will adopt

[127] *Plan El Salvador Seguro*. Available at www.presidencia.gob.sv/wp-content/uploads/2015/01/El-Salvador-Seguro.pdf.

[128] Newspaper article. Available at www.laprensagrafica.com/2014/02/10/pnc-inicia-plan-corredores-escolares.

[129] Newspaper article. Available at www.presidencia.gob.sv/presidente-sanchez-ceren-lanza-el-proyecto-ciudad-de-la-ninez-y-adolescencia.

[130] Amendment to art. 63 of the Constitution, published in *Diario Oficial*, No. 112, vol. 403 of 19 June 2014. Available at www.diariooficial.gob.sv/diarios/do-2014/06-junio/19-06-2014.pdf.

policies to preserve and develop their ethnic and cultural identity, world view, values and spirituality. (See also para. 40.)

250. The Secretariat for Culture has undertaken a range of initiatives to help highlight or reclaim indigenous culture, including a festival of Nahuat Pipil culture in 2014, the National Day of Resistance of Indigenous Peoples and the Rights of Mother Earth, the issuance of postage stamps, the exhibition "Ne Ishkalyu ne Nawat" ("The Faces of Nahuatl") and certificate courses for indigenous leaders, provided by the Secretariat and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

251. The Ministry of Tourism has launched an ecotourism project to encourage indigenous tourism and strengthen the entrepreneurship capacities of indigenous communities in Sonsonate Department.

252. The National Registry of Natural Persons has implemented the Indigenous Peoples' Civil Status Programme, which has made it easier for indigenous people, with their recognized status, to gain access to education, health care, employment and special assistance programmes, among other benefits.

253. The Rural Dawn Programme of the Ministry of Agriculture and Livestock, acting in coordination with agricultural associations, supported the legalization of five groups of young people of indigenous descent from Nahuizalco, and in 2014 the Salvadoran Agrarian Reform Institute approached various indigenous sectors to understand their needs and solve problems related to access to land.

254. As part of the programme "A House for Everyone" operated by the Social Fund for Housing, housing loans are granted, and the Salvadoran Institute for Municipal Development has helped promote the customs and traditions of indigenous peoples by providing technical and capacity-building assistance and opportunities for participation and by fostering local development.

255. In 2014, on the International Day of the World's Indigenous People, the National Charitable Lottery held a special draw, thus helping raise funds for programmes and plans benefiting the indigenous population.

256. In 2014, representatives of the State and indigenous peoples attended the Permanent Forum on Indigenous Issues, thereby contributing to the participation of indigenous people in international forums.

257. In 2015, the United Nations chose El Salvador and Paraguay to develop an action plan regarding this issue. The action plan will help spur other Latin American countries into action in connection with plan development. The next step will be to take action that has a direct impact on indigenous children and adolescents.

## E. Children and adolescents in street situations

258. The Salvadoran Institute for Comprehensive Child and Adolescent Development has developed plans to provide specialized support in the family environment for children and adolescents whose rights have been violated, including a plan of care for children and adolescents living in the street, with a view to promoting awareness and ensuring the inclusion of such children and adolescents in the family, community and society. Responsibility for this programme has recently been transferred to a care agency, which is currently implementing it with support from the Institute.

259. In 2011, the network of organizations providing care for children and adolescents in street situations, which is made up of 15 public and civil society organizations, formulated a road map aimed at the restoration of their rights and a draft protocol for inter-institutional action.

260. The results of a study of children and adolescents living with addiction and in street situations in greater San Salvador, in which the causes of that phenomenon were examined, were presented in 2011.

261. Work is also under way to launch a study, coordinated by ILO and the National Council for Children and Adolescents, of the children and adolescents in street situations in the municipality of San Salvador. This work is in its early stages.

262. The civil society organizations that participated in consultations on this report described as steps forward the outreach campaigns on the radio, the establishment of centres for returned children, the adoption of anti-trafficking legislation, the work of the Council established under that legislation, the ratification of the Rome Statute and the creation of the Care Centre for Victims of Trafficking in Persons (for girls only). Challenges yet to be overcome, in their view, were to expand the reach of the national campaign to prevent irregular migration at the local level, to provide guidance on the use of remittances, to draw up a register or conduct a census of indigenous children and adolescents at the national level and to promote social programmes, including the establishment of schools for such children, making changes to curricula and introducing bilingual textbooks.

263. Action should also be taken to improve the supervision of the work that adolescents are permitted to engage in; to ensure that the relevant authorities protect children and adolescents involved in child labour; to introduce a bill to repeal the national legislation permitting the voluntary recruitment of minors; to put in place an effective social protection policy; to give priority to prevention from early childhood; to develop a youth prevention programme; and to set up the programmes provided for in the Juvenile Criminal Justice Act. Other challenges identified included giving men and boys access to the services provided by the Care Centre for Victims of Trafficking in Persons and reforming the justice system to ensure that the focus is on the rights of children and adolescents and that a programme for the protection of child and adolescent victims and/or witnesses of crime is in place.